



**NEVADA TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD  
MEETING PACKET**

Thursday November 3, 2022  
Carson City, NV

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Direct individual links to all the meeting materials are also available at

<http://lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency/ntrpa-meeting-agendas-and-minutes>



STATE OF NEVADA

## Nevada Tahoe Regional Planning Agency

901 S. Stewart St. Suite 5003  
Carson City, Nevada 89701-5246  
Phone (775) 684-2720 Fax (775) 684-2721

### NOTICE OF PUBLIC MEETING

## NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

**Thursday November 3, 2022**  
**2:00 PM**

Notice is hereby given that the **Nevada Tahoe Regional Planning Agency Governing Board** will hold a public meeting on **Thursday November 3, 2022**. This will be a hybrid meeting with both in person and virtual attendance options. The meeting will be held at the Division of Health and Human Services Carson City Administrative Office Conference Room 149 1470 E College Parkway Carson City, NV.

### OR TEAMS

The meeting will also be available via Microsoft Teams at <https://bit.ly/3ShouCS> or  
Meeting ID: 226 271 100 234  
Passcode: Pv5pvo

### By Phone

Phone: 775-321-6111  
Phone Conference ID: 685 157 427#

The Nevada Tahoe Regional Planning Agency uses Microsoft Teams, a third-party app, for its virtual meetings and does not control its technical specifications or requirements. Your ability to participate in the public comment portions of a meeting may be impacted by factors including but not limited to the type of device you use, the strength of your internet or cellular signal, and the company that provides your internet or cellular service. The Nevada Tahoe Regional Planning Agency is not responsible if you are not able to participate in a meeting through Microsoft Teams due to these or any other factors. For questions or additional information, you may contact Scott Carey, State Lands Planner at 775-684-2723 or at [scarey@lands.nv.gov](mailto:scarey@lands.nv.gov).

Public comment may also be submitted via email prior to the meeting, please submit public comments to [scarey@lands.nv](mailto:scarey@lands.nv) us by 5 PM on November 2, 2022.

## AGENDA

1. **Call to Order.**
  - a. Roll Call.
  - b. Pledge of Allegiance
  - c. Approval of Agenda – For Possible Action.
  - d. Approval of Minutes of the August 1, 2022 Meeting – For Possible Action.
2. **Public Comment** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
3. **Discussion and Selection of Nevada Member at Large – For Possible Action** – To serve a one-year term commencing on January 1, 2023 pursuant to NRS 277.200, Article 3, section a, subsection 2. Hayley Williamson is the current Nevada Member at Large and her term ends on December 31, 2022. – For Possible Action.
4. **Election of Chair** – To serve a two-year term commencing on January 1, 2023 pursuant to NRS 278.800. Commissioner Alexis Hill is the current Chair and her term ends on December 31, 2022. – For Possible Action.
5. **Election of Vice Chair** – To serve a two-year term commencing on January 1, 2023 pursuant to NRS 278.800. Hayley Williamson is the current Vice Chair and her term ends on December 31, 2022. – For Possible Action.
6. **Recognition of Service to NTRPA for Secretary Barbara Cegavske** – For Possible Action.
7. **Recognition of Service to NTRPA for Mark Bruce** – For Possible Action.
8. **Recertification of the Certified Base Data for the Tahoe Nugget Structure Housing Gaming in Stateline** – Review and consideration of a recertification request for the public area, base area, non-base area, gaming area, and cubic volume, for the Tahoe Nugget pursuant to the Nevada Tahoe Regional Planning Agency - Plan Review Procedures Policy, and NRS 277.200 – APN 1318-23-401-049. 177 US Highway 50, Stateline, Nevada. – For Possible Action.
9. **Overview of Roles and Responsibilities of Nevada Tahoe Regional Planning Agency** – Informational Only.
10. **Report of the Executive Officer on Activities of the Agency: August 2022 – October 2022** – Informational Only.
11. **Board Member Comments**
12. **Public Comment** – An opportunity for general comments from the public, may be limited to 3 minutes per person. **(Note: The Board may not discuss any subject or issue that is not on this agenda during this time.)**
13. **Adjournment**

Notice: Items on the agenda may be taken out of order at the discretion of the Chair, the public body may combine two or more items for consideration; and the public body may remove an item or defer discussion of an item on the agenda at any time.

Documentation and supporting agenda items are available on the Nevada Tahoe Regional Planning Agency Website at <http://lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency/ntrpa-meeting-agendas-and-minutes> and will be available at the NTRPA Governing Board Meeting meeting. For further information you may contact Scott Carey at 775-684-2723 or at [scarey@lands.nv.gov](mailto:scarey@lands.nv.gov).

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Scott Carey at the Division of State Lands, 901 S. Stewart St., Suite 5003, Carson City, Nevada 89701 or by calling (775) 684-2723, no later than November 1, 2022.

Notice of this meeting was posted at the following locations:

Division of Health and Human Services Carson City Administrative Office Conference Room 149  
1470 E College Parkway Carson City, NV.

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City NV

Nevada State Library, 100 North Stewart Street, Carson City NV

Tahoe Regional Planning Agency, 128 Market Street, Stateline NV

Nevada Tahoe Regional Planning Agency Website at [www.lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency](http://www.lands.nv.gov/land-use-planning/nevada-tahoe-regional-planning-agency)

Nevada Public Notice Website at [www.notice.nv.gov](http://www.notice.nv.gov).



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### STAFF REPORT

November 3, 2022

**Subject:** Discussion and selection of the Nevada Member at Large to serve a one-year term commencing on January 1, 2023 pursuant to NRS 277.200, Article 3, section a, subsection 2.

**Jurisdiction:** NRS 278.792 section 2(c) outlines the appointment process for the Nevada Member at Large position on the NTRPA Governing Board. Pursuant to the statute, six members of the Governing Board make the selection, and the outgoing Nevada Member at Large does not vote on the selection.

*(c) One member appointed for a 1-year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the occurrence of a vacancy, the Governor shall make the appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region.*

If the Governing Board cannot get to a majority vote on the Nevada Member at Large selection after 30 days of the vacancy, NRS 278.792 section 3 provides that the Governor will make the appointment

*3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the Governor shall make the appointment.*

**Background:** Per NRS 278.792, the Governing Board shall make an appointment of the Nevada Member at Large position. At the December 4, 2020 meeting, the NTRPA Governing Board, after conducting a full recruitment and interview process, appointed Hayley Williamson to a one-year term as the Nevada Member at Large. Member Williamson's term began on January 1, 2021 and ended on December 31, 2021. On December 8, 2021 the Governing Board re-appointed Member Williamson to a one-year

term as the Nevada Member at Large beginning on January 1, 2022 and ending on December 31, 2022.

In October, staff received notification from Member Williamson that she would like to be considered for reappointment to the NTRPA Governing Board. Attached to this staff report is a copy of an email from Member Williamson expressing her interest in being considered for reappointment. Under NRS, the Nevada Member at Large is allowed to be reappointed to the position by the Governing Board, if the Board desires.

Traditionally, the Governing Board has reappointed the Nevada Member at Large if the member wished to continue to serve in this position upon the conclusion of his or her term. However, it is at the discretion of the Governing Board to make the appointment of the Nevada Member at Large for a one-year term. In order to make an appointment, the Governing Board may either choose to reappoint Member Williamson, direct staff to initiate a recruitment and interview process, or appoint a new Nevada Member at Large member.

At the conclusion of the discussion on this item, the Governing Board may vote to appoint the Nevada Member at Large position. Per NRS, a majority vote of the six other members is needed to make the appointment of the Nevada Member at Large. The current Nevada Member at Large does not vote on this appointment. If after the first vote there is not a majority, the Governing Board will vote again until they have selected a candidate with a majority. If the Governing Board cannot get to a majority vote on the Nevada Member at Large selection, NRS 278.792 section 3 provides that the Governor may make the appointment if the position remains vacant for 30 days.

**Staff Recommendation:**

*Staff recommends the Governing Board discuss and make an appointment of the Nevada Member at Large position per NRS 278.792 section 2(c) for a one-year term beginning on January 1, 2023 and ending on December 31, 2023.*

Prepared By: Scott Carey, AICP. State Lands Planner.

**ATTACHMENTS:**

Exhibit 1: Member Williamson Reappointment Letter of Interest

## Scott Carey

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**To:** Hayley Williamson  
**Subject:** RE: Nevada Member at Large Reappointment

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**From:** Hayley Williamson <hayley.a.williamson@gmail.com>  
**Sent:** Monday, October 24, 2022 12:16 PM  
**To:** Scott Carey <scarey@lands.nv.gov>  
**Subject:** Re: Nevada Member at Large Reappointment

Hi Scott,

Thank you for the email. I am very interested and would be delighted and honored to continue serving as Nevada's Member at Large. I have really enjoyed serving in this role and would love to continue to do so. I'd also love to check in with the NTRPA to see if members have any comments or suggestions for me if they choose for me to continue to serve on the Board. Thanks!

Hayley

On Mon, Oct 24, 2022 at 12:10 PM Scott Carey <[scarey@lands.nv.gov](mailto:scarey@lands.nv.gov)> wrote:

Vice Chair Williamson,

As you are aware your term as the Nevada Member at Large on the Nevada Tahoe Regional Planning Agency Governing Board expires on December 31, 2022. The purpose of this email is gauge your interest in being reappointed by the Governing Board to another 1 year term on the Board. Could you please let us know if you are interested and would like to be considered for reappointment at the Governing Board's next meeting?

Thank You,

**Scott H. Carey, AICP**  
 State Lands Planner  
 Nevada Division of State Lands  
 Department of Conservation and Natural Resources  
 901 S. Stewart Street, Suite 5003  
 Carson City, NV 89701  
[scarey@lands.nv.gov](mailto:scarey@lands.nv.gov)  
 (O) 775-684-2723 | (F) 775-684-2721



Nevada Division of  
**STATE LANDS**



Nevada Department of  
**CONSERVATION &  
 NATURAL RESOURCES**  
 Connect with us:   



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### STAFF REPORT

November 3, 2022

**Subject:** Election of a Chair and Vice Chair.

**Jurisdiction:** NRS 278.800 outlines the election process for the Chair and Vice Chair of the NTRPA Governing Board. Pursuant to the statute, upon election both the Chair and Vice Chair will serve a 2-year term.

*NRS 278.800 Officers: Election; terms; vacancies. The governing body shall elect from its own members a chair and vice chair, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.*

**Background:** At their December 8, 2021 meeting, the NTRPA Governing Board elected Member Hill as its Chair and Member Williamson as its Vice Chair. Pursuant to the Governing Board's action the term of both these positions began on January 1, 2021 and end on December 31, 2022. Per NRS 278.800, the term of the Chair and Vice positions are for two years.

Customarily, the NTRPA Governing Board at its last meeting of the year elects the Chair and Vice Chair position before the terms of these positions end. At its last meeting in 2020, the terms of the Chair and Vice were expiring and at the time, the NTRPA Governing Board was expecting changes to its membership as well as considering the appointment of a new Nevada Member at Large.

Because of these changes to the membership of the Governing Board, the board leadership at the time felt that it was appropriate to wait until the first meeting of 2021 to elect a new Chair and Vice Chair. At the time, staff was anticipating holding a Governing Board meeting in early 2021 to consider agency matters, however that meeting was not necessary, and the Governing Board was without a Chair and Vice Chair for most of 2021. At the December 8, 2021 meeting, the Governing Board elected Member Hill as its Chair and Member Williamson as its Vice Chair.

Since this is expected to be the last Governing Board meeting before the terms of the Chair and Vice Chair positions expire on December 31<sup>st</sup>, the Governing Board needs to elect a new Chair and Vice Chair. Upon election the new Chair and Vice Chair will serve in this role for a two-year term beginning on January 1, 2023 and ending on December 31, 2024.

The main roles of the Chair position are to run the board meetings, assist staff with the development of meeting agendas, sign off on NTRPA certified plans and drawings, and sign other letters or official correspondence on behalf of the Governing Board. The main purpose of the Vice Chair position is to fill in for the Chair in his or her absence.

**Staff Recommendation:**

*Staff recommends that the Governing Board elect a Chair and Vice Chair for a 2-year term beginning on January 1, 2023 and ending on December 31, 2024.*

Prepared By: Scott Carey, AICP. State Lands Planner.



STATE OF NEVADA

## Nevada Tahoe Regional Planning Agency

### Recognition of Service to the Nevada Tahoe Regional Planning Agency for Secretary Barbara Cegavske

**WHEREAS**, Secretary Barbara Cegavske has served on the Nevada Tahoe Regional Planning Agency (NTRPA) Governing Board representing the Secretary of State of Nevada since 2015; and

**WHEREAS**, Secretary Cegavske served as the Vice Chair of the NTRPA from 2019-2020; and

**WHEREAS**, throughout her tenure on the Governing Board, Secretary Cegavske engaged in and meaningfully contributed to numerous policy discussions and business items; and

**WHEREAS**, Secretary Cegavske helped implement the provisions of the Lake Tahoe Compact related to gaming space and "structures housing gaming" (casinos) in the Lake Tahoe Basin; and

**WHEREAS**, Secretary Cegavske's service on the Governing Board helped maintain the social and economic health of the State by helping preserve the significant scenic, recreational, educational, scientific, natural and public health values provided within the Lake Tahoe Basin; and

**WHEREAS**, Secretary Cegavske continually emphasized the importance of public participation, and increasing the role of public participation in the NTRPA decision-making process to protect the scenic and natural beauty of the Lake Tahoe Basin; and

**WHEREAS**, Secretary Cegavske always treated staff with a great deal of respect, and staff always enjoyed her focused and thoughtful participation during Governing Board meetings.

**NOW, THEREFORE, BE IT RESOLVED** that the members of the NTRPA Governing Board and agency staff express their gratitude to Secretary Barbara Cegavske for her devoted service to the State of Nevada and to the Nevada Tahoe Regional Planning Agency.

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Alexis Hill  
NTRPA, Chair

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Charlie Donohue  
NTRPA, Executive Officer



STATE OF NEVADA

## Nevada Tahoe Regional Planning Agency

### Recognition of Service to the Nevada Tahoe Regional Planning Agency for Mark Bruce

**WHEREAS**, Mark Bruce served on the Nevada Tahoe Regional Planning Agency (NTRPA) Governing Board representing the Governor of Nevada from 2013-2022; and

**WHEREAS**, Mark Bruce served as the Vice Chair of the NTRPA from 2015-2016 and Chair of the NTRPA from 2017-2018; and

**WHEREAS**, throughout his tenure on the Governing Board, Mark Bruce engaged in and meaningfully contributed to numerous policy discussions and business items; and

**WHEREAS**, Mark Bruce helped implement the provisions of the Lake Tahoe Compact related to gaming space and "structures housing gaming" (casinos) in the Lake Tahoe Basin; and

**WHEREAS**, Mark Bruce's service on the Governing Board helped maintain the social and economic health of the State by helping preserve the significant scenic, recreational, educational, scientific, natural and public health values provided within the Lake Tahoe Basin; and

**WHEREAS**, Mark Bruce continually emphasized the importance of public participation, and increasing the role of public participation in the NTRPA decision-making process to protect the scenic and natural beauty of the Lake Tahoe Basin; and

**WHEREAS**, Mark Bruce always treated staff with a great deal of respect, and staff always enjoyed his focused and thoughtful participation during Governing Board meetings.

**NOW, THEREFORE, BE IT RESOLVED** that the members of the NTRPA Governing Board and agency staff express their gratitude to Mark Bruce for his devoted service to the State of Nevada and to the Nevada Tahoe Regional Planning Agency.

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Alexis Hill  
NTRPA, Chair

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Charlie Donohue  
NTRPA, Executive Officer



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### STAFF REPORT

November 3, 2022

**Subject:** Recertification of the Certified Base Data for the Tahoe Nugget Structure Housing Gaming in Stateline – For Possible Action

**Jurisdiction:** Pursuant to the Tahoe Regional Planning Compact, the NTRPA Governing Board reviews and regulates redevelopment of and modifications to Structures Housing Gaming. The Compact provides the following guidance related to the applicant's request.

- Structures Housing Gaming are buildings operating under a nonrestricted gaming license that existed on May 4, 1979 or were approved for construction before that date.
- Structures Housing Gaming are inclusive of their public areas, such as gaming, retail, restaurants, meeting areas, etc. and private areas such as hotel rooms and parking.
- Article VI of the Compact limits the amount of Structures Housing Gaming space to what was existing, or approved to be constructed, prior to May 4, 1979.
- Article VI(d)(1) says construction of a structure not so existing, or enlargement in cubic volume of any existing or approved structures is prohibited.

To assist the NTRPA Governing Board, certified base data for each Structure Housing Gaming was established. The certified base data documents the areas occupied by Structures Housing Gaming as of May 4, 1979. Certified base data is established for each Structure Housing Gaming's public areas, private areas, gaming, cubic volume, coverage, etc. Because the Compact restricts and even prohibits redevelopment if certified base data is exceeded, it is important that the data be accurate.

The Tahoe Regional Planning Compact Article VI, Section (e) states that "Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979 without the

approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.”

NTRPA Ordinance 1980-1 Article 3, Section 3.1 states “When any modification, remodeling or change in use of a structure housing gaming requires a permit from the permit-issuing authority, an application shall be filed with the agency and with the permit-issuing authority showing proof of filing with the agency. The permit-issuing authority shall review the application for compliance with this ordinance. The application shall be deemed in compliance with this ordinance, if when compared to the base data findings on file with the permit-issuing authority, it will not:

- (a) Enlarge the cubic volume of said structure;
- (b) Increase the total square footage of an area open to or approved for public use on May 4, 1979; and
- (c) Convert private use area to public use area.”

NTRPA Plan Review Procedures Policy Section 1(d) Changes in Gaming Area states that “All plans and proposals which will change the area in square feet devoted to gaming or change the location of gaming with any such structure must be accompanied by an information report (NRS 277.200, Article VI(g)). The Board will review all information reports showing changes in gaming and direct their transmittal to the TRPA.”

Therefore, it is under the jurisdiction of the NTRPA Governing Board to review applications that propose changes to Structures Housing Gaming, and in this instance, consider a request to recertify the base data for the Tahoe Nugget Structure Housing Gaming in Stateline.

### **Lake Tahoe’s Scenic Character:**

In reviewing this request for an extension of time for Condition #1, it is important to recall that the Tahoe Regional Planning Compact stresses the importance of the scenic character of Lake Tahoe.

### **Compact, Article I, “Findings of Declaration of Policy:**

#### **Section (a)(8) states:**

*“Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.”*

#### **Section (a)(10) states:**

*“In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.”*

## **Background**

At its February 2, 1987 meeting, the Governing Board certified the base data for the Tahoe Nugget. Below is a breakdown of the certified base data.

<u>Type</u>	<u>Certified Data</u>
Cubic Volume	200,462 CF
Site Coverage	11,560 sq ft
Non-Base Area	6,661 sq ft
Base Area	9,461 sq ft
Public Area	16,122 sq ft
Private Area	0 sq ft
Gaming Area	8,773 sq ft

A copy of the certified plans for the Tahoe Nugget are included in this staff report (Exhibit 7: Original 1987 Certified Plans).

At its December 20, 1995 meeting, the Governing Board, as part of a proposed redevelopment of the Tahoe Nugget building, reviewed a request to modify two existing stairwells and convert the second floor to non-gaming commercial offices. The requested modifications involved 84 sq ft of public area and 1,830 sq ft of cubic volume. During the meeting, the owner stated that the modification to enclose the stairwells was required by the building code as part of the change to the second floor of the building from gaming and other public uses to a non-public commercial office space. During the meeting the Governing Board expressed concern that the modifications could be perceived as an enlargement of cubic volume and could lead to an increase in gaming and base area of the structure in the future. The Governing Board wanted assurance that such a request could not be made in the future and approved the request subject to the following condition of approval:

“Modifications to stairwells made to satisfy public health, safety, and welfare requirements as established by applicable building and fire codes to allow use of second floor for commercial office space. These modifications, approved by the governing board of the Nevada Tahoe Regional Planning Agency during their meeting on December 20, 1995, do not add to the current square footage of cubic volume of the structure as certified on February 2, 1987.”

A copy of the full meeting minutes from the December 20, 1995 Governing Board meeting are included in this staff report (Exhibit 6: 1995 Board Meeting Minutes).

At its July 23, 2020 meeting, the Governing Board found that, although gaming had not been conducted onsite for many years, the certified base data for the Tahoe Nugget was valid and eligible to be used. At this same meeting the Governing Board approved Northern Nevada Comstock Investment’s request to utilize the certified base data subject to one Condition of Approval. The Condition of Approval required that the applicant submit to the NTRPA detailed architectural floor plans and base data calculations within 6 months after purchasing the site. According to records obtained by the NTRPA from Douglas County, Northern Nevada Comstock Investments closed on the purchase of the

Tahoe Nugget site on August 19, 2020. In September 2020, agency staff notified the applicant that they had until February 19, 2021 to satisfy the requirements of Condition #1.

At its December 4, 2020 meeting, the Governing Board approved a request to amend Condition #1 associated with the Board's previous determination for the Tahoe Nugget site. The approved amended Condition #1 extended the deadline, allowing the applicant to submit the detailed architectural floor plans and base data calculations to the agency by December 31, 2021. The approved amended Condition #1 also allowed the applicant to submit detailed architectural floor plans and base data calculations 6 months after commencing each future phase of the project.

As part of its approval at the December 4, 2020 meeting, the Governing Board defined the term "commencement". The Governing Board specified that the term "commencement" means that no construction can begin on any phase until such floor plans and base data calculations have been reviewed and approved by the NTRPA. The intent of the term "commencement" in Condition #1 as it relates to future phases of the project is to allow the owners of the site sufficient time to analyze tenant spaces within the building as they become vacant. At this same meeting, the Board expressed a desire to allow the applicant flexibility and sufficient time to tear down the vacant spaces within the existing building and submit the detailed architectural floor plans and base data calculations to the agency. However, the Board was clear that no construction or reestablishment of any gaming use within the building could begin until the plans were reviewed by the NTRPA and found to be in compliance with the certified base data for the site.

At the December 8, 2021 meeting the Governing Board approved a request for a second amendment to Condition 1 to allow for an additional 6 months (through June 30, 2022) to submit detailed architectural floor plans and base data calculations for the site. Included in the Governing Board's action was an amendment to Condition 1 requiring the applicant for all future phases of the project to submit detailed architectural floor plans within 6 months of starting each future phase. Below is the approved Condition 1 associated with the second extension of time for the certified base data eligibility determination for the Tahoe Nugget site.

"The applicant will submit detailed architectural floor plans and base data calculations for the Tahoe Nugget building to the NTRPA for the first phase of the project by June 30, 2022. For all future phases of the project the applicant will submit detailed architectural floor plans and base data calculations for the Tahoe Nugget building to the NTRPA within 6 months after commencing each phase."

On May 17, 2022, in compliance with the approved second amendment to Condition 1, agency staff received detailed architectural floor plans and base data calculations for the site from the applicant.

Staff found that the detailed architectural floor plans and base data calculations met the June 30, 2022 deadline in Condition 1. Since then, Agency staff have been working

closely with the applicant to determine whether the data provided meets the 1987 approved certified base data for the site.

A copy of the detailed architectural floor plans and base data calculations submitted by the applicant in compliance with Condition 1 is included in this staff report (Exhibit #1 Plans Submitted for Condition 1 Eligibility).

A copy of photos showing the historical and current conditions of the Tahoe Nugget building are also included in this staff report (Exhibit 8: Historical and Current Conditions Photos).

At its August 1, 2022 meeting, the Governing Board voted to continue the recertification for the Tahoe Nugget to a future meeting. The continuance was requested by the applicant to allow for additional time to compile the information needed by staff and the Governing Board to consider a recertification request.

### **Analysis**

At the July 23, 2020 Governing Board meeting, staff proposed that if the architectural floor plans and base data calculations for the first phase and future phases of the project are substantially in compliance with the certified base data for the site, then staff could sign off on the plans and report back to the Governing Board. At this meeting, staff indicated that if architectural floor plans and base data calculations for the first phase and future phases of the project were not in compliance with the certified base data, then staff would schedule a meeting for the NTRPA Governing Board to consider recertification of the certified base data.

Over the past several months, the applicant has examined the Tahoe Nugget's existing conditions as commercial tenants vacate the premises. With increased access to the building, the applicant has been able to take accurate measurements. After reviewing the updated measurements, staff has determined the existing conditions of the building are not consistent with the certified base data. The public area, non-base area, and cubic volume measurements exceed the certified base data.

Below is a table that breaks down the differences between the certified base data, the building's existing conditions, and staff's proposed base data recertification.

Table 1: Proposed Tahoe Nugget Recertification

<u>Type</u>	<u>Certified Data</u>	<u>Existing Conditions</u>	<u>Proposed</u>
<u>Recertification</u>			
Public Area	16,122 sq ft	16,563 sq ft	16,563 sq ft
Base Area	9,461 sq ft	9,461 sq ft	9,461 sq ft
Non-Base Area	6,661 sq ft	7,102 sq ft	7,102 sq ft
Gaming Area	8,773 sq ft	8,773 sq ft	8,773 sq ft
Private Area	0 sq ft	0 sq ft	0 sq ft

Cubic Volume	200,462 CF	226,297 CF	226,297 CF
Site Coverage	11,560 sq ft	11,560 sq ft	11,560 sq ft

A full breakdown table showing the differences between the 1987 certified base data, errors in the 1987 base data, 1995/1995 approved modifications, and the proposed recertification is included in this staff report (Exhibit #2 Tahoe Nugget Comparison Table).

#### Cubic Volume

The volume of the existing Tahoe Nugget building was calculated by the applicant and their team of experts to be 226,297 cubic feet. The certified cubic volume, identified by NTRPA in 1987, is 200,462 cubic feet. The majority of the difference is a result of an error made in the original calculations. The certified plans on file at the agency shows the height of the entire ground floor to be 13 feet. After the demolition of the interior on the north side of the building, it was discovered that the west portion of the building is a different height than the east portion. The east portion of the building is close to 13 feet, but the original west section is just over 15 feet.

When this difference is applied to the area of the west section it results in the addition of 16,890 feet of cubic volume throughout the building that was not accounted for in the certified plans on file with the agency. Additional changes were made to the building following the redevelopment of the property after 1996 when gaming use ceased. Additional changes to the building that were reviewed and approved by the NTRPA and the TRPA include the installation of new stairwells, a new entry way, two mechanical chases, new building siding, and a second roof with drainage features. This resulted in an additional 8,945 feet of cubic volume. Combined, there is 25,835 feet of additional cubic volume unaccounted for in the certified base data.

Schematics showing the building height errors in the original certified base data and the 1996 improvements are included in Exhibit #3 Building Changes Diagram.

#### Public Area

According to the applicant's team of experts there is a difference from the existing condition of the building and the certified public area of the building. The total public area of the building is 16,563 sq ft which is larger than the 16,122 sq ft of certified public area. According to the applicant, the additional 441 sq ft of public area can be accounted for by the changes made in 1996 to the stairways on the north and south sides of the building. There were also changes to the overall size of the building that are believed to be the result of adding wood siding and trim to the building exterior which originally was concrete masonry. On the second floor of the building are two mechanical chases that have been added to the building that were not accounted for in the certified base data.

A breakdown detailing the increase in the public area has been provided by the applicant. Please see Exhibit 4: Public Area Breakdown.

#### Base and Non-Base Areas

The base and non-base areas of the site's certified data are a subset of the overall public area. Said a different way, the public area is the sum of the base and non-base areas. The

TRPA Compact defines base area as the area within a structure housing non-restricted gaming that is open to public use whether gaming is carried on in that area or not. Non-base areas are areas that are opening to the public but are used for uses like retail stores, convention centers, meeting rooms, administrative offices, rest rooms, kitchens, counting rooms, and mechanical areas. After review, staff have determined the additional 441 sq ft of public area resulting from the 1996 modifications to stairwells, mechanical chases, etc fall into the non-base area definition.

The applicant's Phase 1 interior remodel proposal includes reconfiguring uses that fall into non-base and base areas. These proposed square footages do not conform with the certified base data (current and proposed). However, the Compact allows non-base or base area square footages to be exceeded without NTRPA Board approval as long as the Public Area square footage is not exceeded.

A diagram and list of definitions of NTRPA certified base data is included in this staff reports. Please see Attachment #5 NTRPA Diagram and Definitions.

Staff believes that the proposed recertification request will more accurately reflect the conditions of the building today and allow the NTRPA to better administer the provisions related to gaming on the Tahoe Nugget site in accordance with the provisions of the Tahoe Regional Planning Compact. Updated certified base data for the site will allow the agency to make an accurate determination on whether a recertification request to the Governing Board will be warranted when reviewing future phases of the project. As indicated at the July 23, 2020 Governing Board meeting, staff proposes that if the architectural floor plans and base data calculations for future phases of the project are substantially in compliance within the cubic volume and public areas of the certified base data, then staff will have the ability to sign off on the plans for compliance and report back to the Governing Board. If the architectural floor plans and base data calculations for future phases of the project are not in compliance with the certified base data, staff will then schedule a meeting for the NTRPA Governing Board to consider recertification of the certified base data or deny the request.

### **Findings**

Paragraph (f) of Article VI of the TRPA Compact prohibits modifications to structures housing gaming if the modification will:

1. Enlarge the cubic volume of the structure;
2. Increase the total square footage of the area open to or approved for public use on May 4, 1979;
3. Convert an area devoted to the private use of guests to an area open to public use;
4. Increase the public area which is used for gaming beyond 15% of the total base area existing on August 4, 1980; or
5. Conflict with or be subject to the provisions of any of the agency's ordinance that are generally applicable throughout the region.

Enlarge the cubic volume of the structure

Staff finds that the proposed recertification does not result in an increase in the cubic volume of the structure. The proposed recertification of the cubic volume is a result of errors discovered in the cubic volume of the site that were not properly accounted for in the original certified base data for the Tahoe Nugget. Additionally, the proposed recertification of the cubic volume captures approved life safety and building code compliance changes to the building that occurred when the gaming use was not on the property between 1996 and 2022. It is the opinion of staff that the proposed recertification does not increase the cubic volume of the structure but rather accurately “trues up” the base data.

Increase the total square footage of the area open to or approved for public use on May 4, 1979 (certified data)

Staff finds that the proposed recertification does not result in an increase in areas open to or approved for public use. The proposed recertification of the public areas captures the approved life safety and building code compliance changes to building that were added to the building after 1996 during the time when the gaming use was not on the property. It is the opinion of staff that the proposed recertification does not increase the public areas of the structure but rather “trues up” the base data.

Convert an area devoted to the private use of guests to an area open to public use

Staff finds that the proposed recertification does not convert any private use to public use. There are no private areas included in the certified base data for the Tahoe Nugget.

Increase the public area which is used for gaming beyond 15% of the total base area existing on August 4, 1980

Staff finds that the proposed recertification request does not increase the public areas used for gaming beyond the 15% of the total base area on the site. The total certified gaming area of the Tahoe Nugget site is 8,773 sq ft. The applicant is not proposing any changes to the certified gaming area on the site. According to the applicant the project will only utilize 6,090 sq ft of the certified gaming area on the site as part of phase 1. The applicant has expressed interest to staff in further utilizing the gaming area on the site in future phases. All future phases of the project will be subject to NTRPA review and are required to be within the certified base gaming area.

Conflict with or be subject to the provisions of any of the agency’s ordinance that are generally applicable throughout the region

Staff finds that the recertification request does not conflict with, or is subject to, any other agency ordinances. In accordance with NTRPA Plan Review Procedures Policy Section 1(d) if the recertification request is approved by the Governing Board the applicant will be required to submit updated plan sheets and informational report with the new certified base data on the site for review staff and final approval by the Governing Board Chair.

**Staff Recommendation**

In accordance with the above referenced findings, staff recommends the approval of the recertification request for the Tahoe Nugget site. The requested recertification is consistent with the Governing Board's previous approval determination of the eligibility of the certified base data on the site and is in compliance with the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, and the NTRPA Plan Review Procedures Policy. It is staff's interpretation of these regulations that the intent of regulating Structures Housing Gaming within the Lake Tahoe basin was to freeze the square footages of the certified base data and location of these uses in order to achieve the findings and declaration of policy of the Tahoe Regional Planning Compact. It is staff's opinion that the errors in the original certified base data and modifications made to the building for life and safety improvements since 1996 do not result in an increase in the cubic volume or the public areas of the structure. The proposed recertification of the base data will provide the agency with accurate building calculations and plans to reestablish the gaming use on the site consistent with the Governing Board's determination of eligibility in 2020 and the findings and declarations of policy in the Tahoe Regional Planning Compact.

**Suggested Motion:** *I move to find that there were errors and omissions in the original certified base data and in the previously approved modifications to the Tahoe Nugget building. I move to recertify the public area, cubic volume, non-base area and base area of the Tahoe Nugget site, Douglas County APN 1318-23-401-049 as outlined in Table 1 of the November 3, 2022 staff report.*

Prepared By: Scott Carey, AICP. State Lands Planner.

ATTACHMENTS:

Exhibit 1: Plans Submitted for Condition 1 Eligibility

Exhibit 2: Tahoe Nugget Comparison Table.

Exhibit 3: Building Changes Diagram

Exhibit 4: Public Area Breakdown.

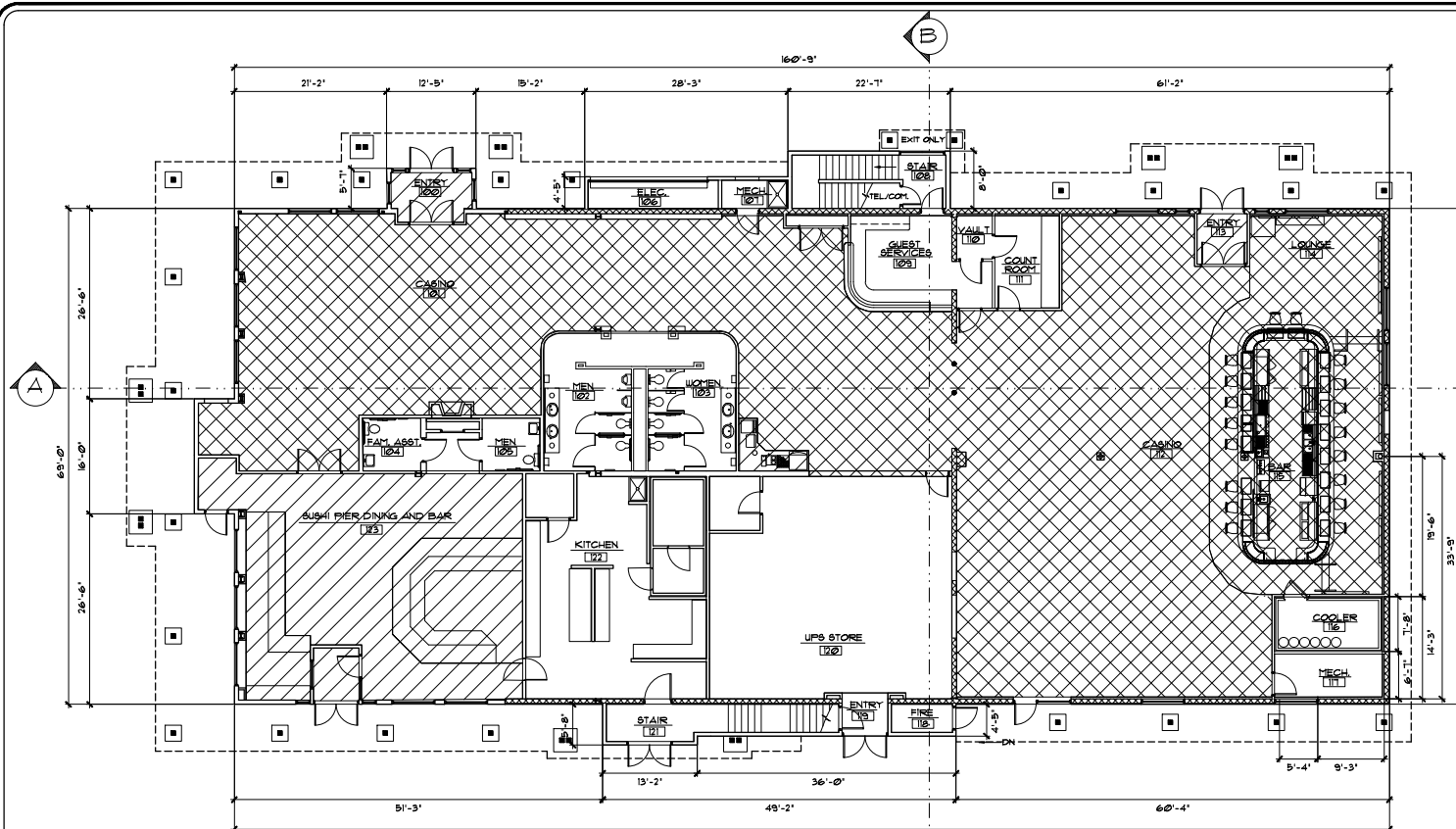
Exhibit 5: NTRPA Diagram and Definitions

Exhibit 6: 1995 Board Meeting Minutes

Exhibit 7: Original 1987 Certified Plans

Exhibit 8: Historical and Current Conditions Photos

Exhibit 9: Revised NTRPA Certified Base Table with Proposed Changes



### PHASE 1 IMPROVEMENT PLANS

SCALE 1/8"=1'-0"



### FLOOR SUMMARY TABLE

FIRST FLOOR CALCULATIONS	SQ. FT.	HEIGHT FT.	VOLUME CU. FT.
PRIVATE	0		
PUBLIC	11,789	13'-8" TO 15'-5"	173,134
BASE	7,478	13'-8" TO 15'-5"	
GAMING	6,063	13'-8" TO 15'-5"	
NON-BASE	4,311	13'-8" TO 15'-5"	
SECOND FLOOR CALCULATIONS	SQ. FT.	HEIGHT FT.	VOLUME CU. FT.
PRIVATE	0		
PUBLIC	4,774	11'-0"	51,711
BASE	0	11'-0"	
GAMING	0	11'-0"	
NON-BASE	4,774	11'-0"	
BUILDING TOTALS	SQ. FT.	HEIGHT FT.	VOLUME CU. FT.
PRIVATE	0		
PUBLIC	16,563		224,845
BASE	7,478		
GAMING	6,063		
NON-BASE	9,085		

### GENERAL NOTES

ON SEPTEMBER 25TH AND 26TH OF 2020, MEASUREMENTS OF THE EXTERIOR AND INTERIOR ARCHITECTURAL ELEMENTS OF THE TAHOE NUGGET BUILDING LOCATED AT 177 US, HIGHWAY 50, STATELINE, NEVADA WERE TAKEN UTILIZING A STEEL MEASURING TAPE. IN JULY, AUGUST AND SEPTEMBER OF 2021 INTERIOR WALLS AND SURFACES IN THE NORTH HALF OF THE BUILDING WERE DEMOLISHED IN PREPARATION TO PREPARE CONSTRUCTION DRAINAGES FOR THE FUTURE IMPROVEMENTS. THE PREVIOUS MEASUREMENTS WERE CONFIRMED.

THE MEASUREMENTS OF THE EXTERIOR OF THE BUILDING CORRESPOND CLOSELY TO THE PLANS PREPARED BY LINDAHL & ASSOCIATES DATED NOVEMBER 22, 1995 AND APPROVED WITH REVISIONS BY TAHOE REGIONAL PLANNING AGENCY ON JANUARY 27, 1996. IT APPEARS THESE PLANS WERE REVISIONS TO THE TAHOE NUGGET REMODEL PLANS THAT WERE APPROVED BY NTRPA ON JUNE 2, 1995. THE ONLY SIGNIFICANT DIFFERENCES FROM THE REVISED 1/22/95 PLANS FOR THE GROUND FLOOR ARE THE FOLLOWING:

1. THE BUILDING IS APPROXIMATELY 9' LONGER IN THE EAST-WEST DIRECTION.
2. THERE IS A NEW ENTRANCE FOR THE SUSHI PIER RESTAURANT.
3. THERE ARE TWO FEWER WINDOWS ON THE EAST ELEVATION.

THE INTERIOR OF THE GROUND FLOOR HAS BEEN CHANGED NUMEROUS TIMES SINCE 1995 WITH VARIOUS TENANT IMPROVEMENTS.

THE SECOND FLOOR AND STAIRWELL ALSO CORRESPOND CLOSELY WITH THE 1/22/95 PLANS EXCEPT FOR THE FOLLOWING DIFFERENCES:

1. THE SECOND FLOOR IS APPROXIMATELY 9' LONGER IN THE EAST-WEST DIRECTION.
2. TWO MECHANICAL CHASES HAVE BEEN ADDED TO THE WEST ELEVATION.

THE INTERIOR HAS BEEN MODIFIED WITH SOME MINOR TENANT IMPROVEMENTS.

### BUILDING AREAS AND VOLUME

GROUND FLOOR FOOTPRINT	11,789 S.F.
SECOND FLOOR FOOTPRINT	4,774 S.F.
TOTAL SQUARE FOOTAGE	16,563 S.F.
TOTAL BUILDING VOLUME	220,816 CF.

THE CURRENT NEVADA TAHOE REGIONAL PLANNING AGENCY'S BASE DATA FOR THIS BUILDING IS BASED ON A 1982 SOUTH TAHOE NUGGET PLAN THAT WAS APPROVED BY NTRPA 2/1/81. SINCE 1981 THERE HAVE BEEN SOME CHANGES MADE TO THE BUILDING THAT HAVE CHANGED BOTH THE AREA AND THE VOLUME. THE FOLLOWING CHANGES HAVE BEEN MADE TO THE BUILDING FOOTPRINT OF THE BUILDING:

1. THE BUILDING IS APPROXIMATELY 9' LONGER IN THE EAST-WEST DIRECTION.
2. THE STAIRWAY ON THE NORTH HAS BEEN MADE LARGER.
3. THE STAIRWAY ON THE SOUTH HAS BEEN COMPLETELY ENCLOSED.
4. THE SECOND FLOOR IS APPROXIMATELY 20' LONGER IN THE EAST-WEST DIRECTION THAN WHAT WAS SHOWN IN 1982 DRAWING.
5. TWO MECHANICAL CHASES HAVE BEEN ADDED TO THE SECOND FLOOR.

THE BUILDING VOLUME HAS INCREASED FOR THE FOLLOWING REASONS:

1. SINCE THE BUILDING FOOTPRINT HAS GOTTEN LARGER THAT ALSO INCREASES THE VOLUME.
2. BOTH THE ROOFS OF THE GROUND FLOOR HAVE HAD A SECOND FRAMED ROOF ADDED TO PROVIDE PROPER DRAINAGE.
3. THE 1982 DRAWINGS SHOW THE HEIGHT OF THE ENTIRE GROUND FLOOR BEING 15'. THIS WAS IN ERROR. THE WESTERN PORTION OF THE GROUND FLOOR HAS ALWAYS BEEN APPROXIMATELY 15'.

SHEET G3 SHOWS THE CALCULATIONS FOR DETERMINING THE CURRENT BUILDING VOLUME.

• Architect •

FRANK WOODLUFF

200 South Main Street Suite A • P.O. Box 280 • Fallon, Nevada 89405  
(775) 422-0085



PHASE 1 IMPROVEMENT PLANS  
FOR  
TAHOE NUGGET BUILDING  
177 US HIGHWAY 50, STATELINE, NEVADA

Date: MAY 16, 2022

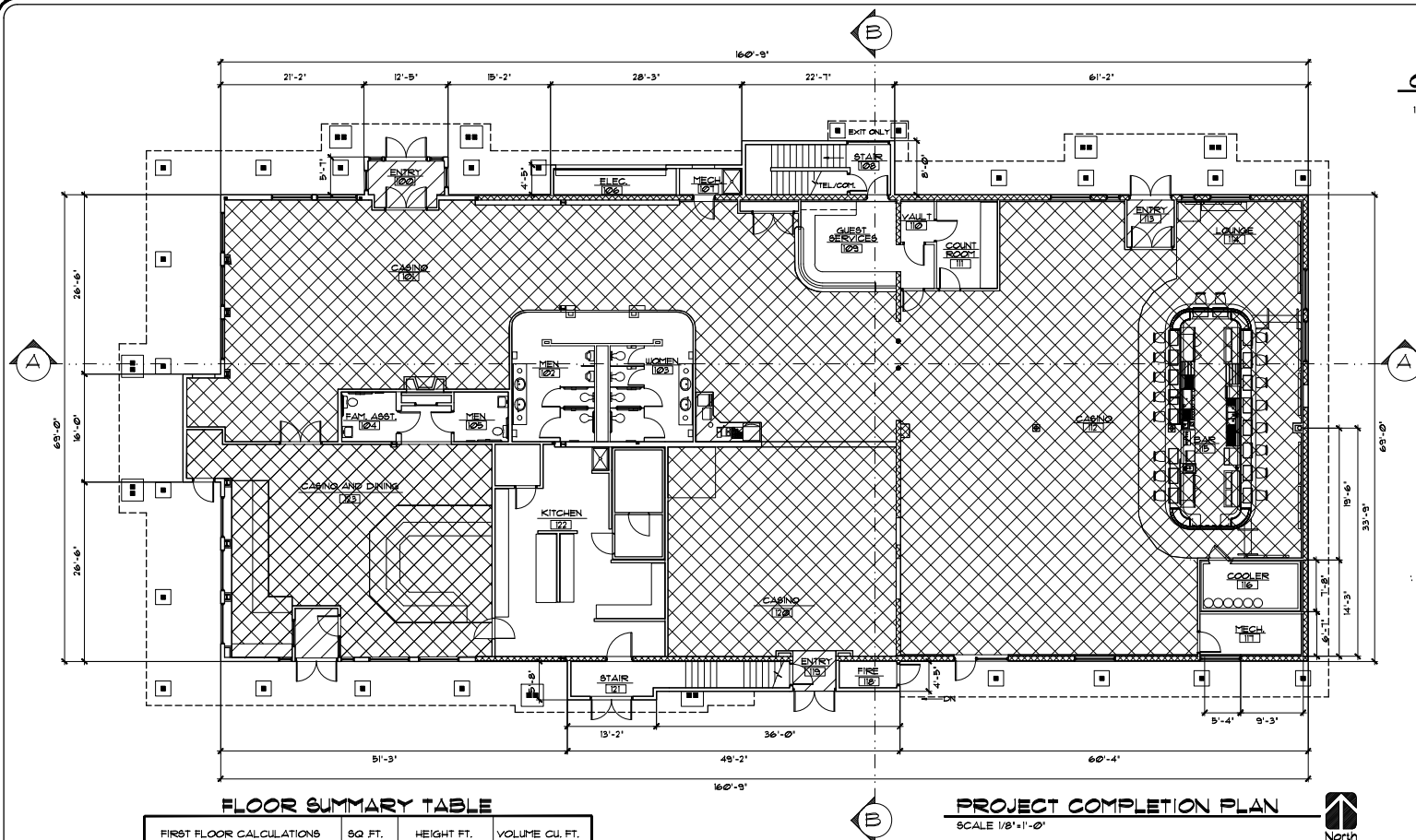
Drawn By: RWJ

Revisions

Sheet Number

G1

Charlie Donohue  
Re: Request to Recently Base Data  
Tahoe Nugget (formerly Ed's Tahoe Nugget)  
Exhibit F, Page 2 of 4

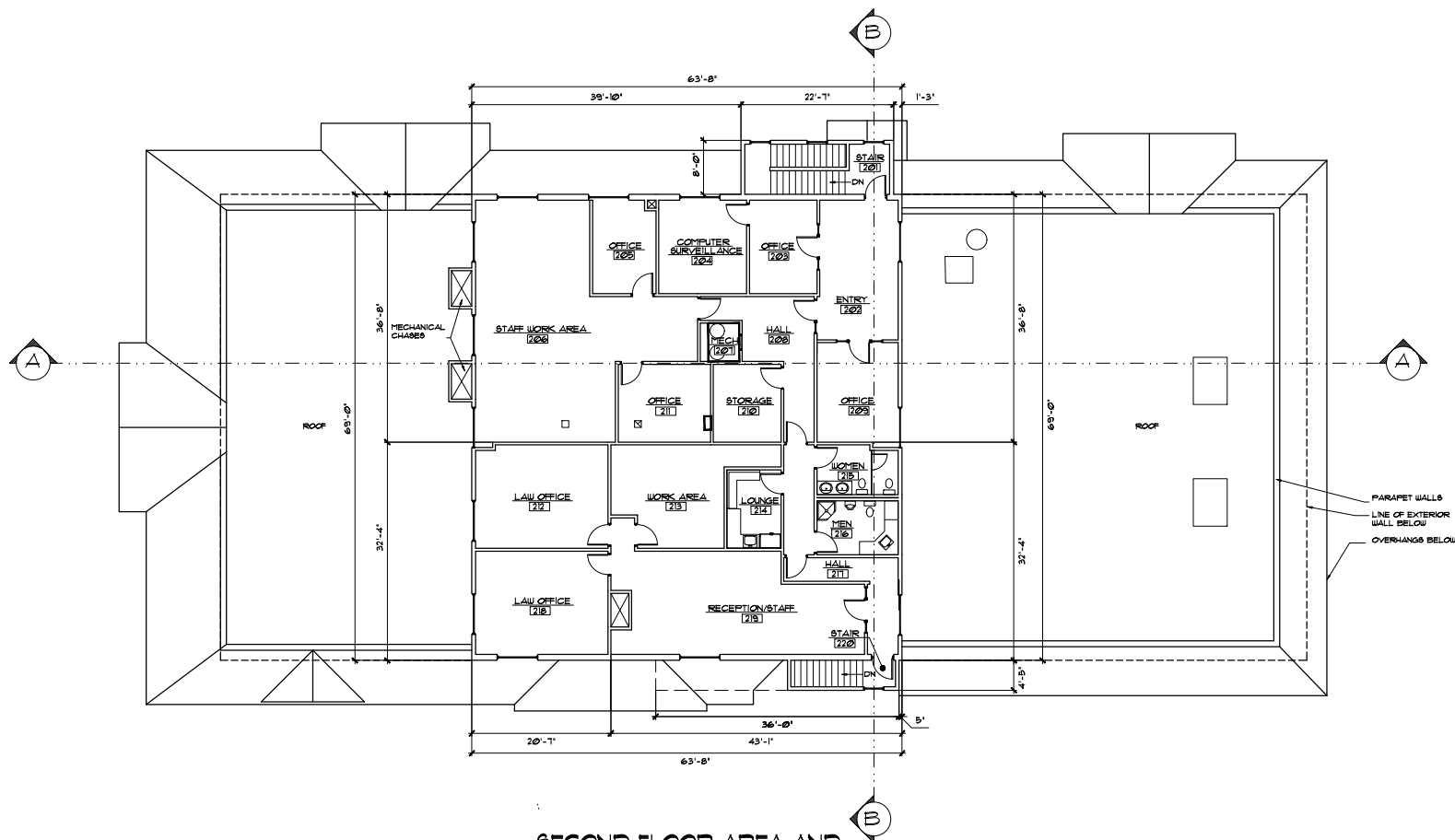


Architect •  
**FRANK WOODLUFF**  
200 South Main Street Suite A • P.O. Box 280 • Fallon, Nevada 89405  
(775) 422-0005

PHASE 1 IMPROVEMENT PLANS  
FOR  
**TAHOE NUGGET BUILDING**  
177 US HIGHWAY 50, STATELINE, NEVADA

Date MAY 16, 2022  
Drawn By PJW  
Reviewed

Sheet Number  
**G2**



# GAMING AREAS

## SECOND FLOOR

	NON-BASE AREA	4,714 S.F.
	BASE AREA	0 S.F.
	GAMING AREA	0 S.F.

## SECOND FLOOR AREA AND VOLUME

SECOND FLOOR FOOTPRINT	4,714 S.F.
SECOND FLOOR VOLUME	5,171 C.F.

## GENERAL NOTES

- THERE WILL BE VERY FEW CHANGES MADE TO THE EXISTING SECOND FLOOR. ONE OF THE EXISTING OFFICES WILL BE MODIFIED TO BE USED AS A COMPUTER AND SURVEILLANCE ROOM. A CURRENT EQUIPMENT ROOM WILL BE MODIFIED TO PROVIDE A MECHANICAL CHASE FOR HVAC FOR THE CASINO AREA BELOW.

## SECOND FLOOR IMPROVEMENT PLAN

SCALE 1/8"=1'-0"



PHASE 1 IMPROVEMENT PLANS  
FOR  
TAHOE NUGGET BUILDING  
177 US HIGHWAY 50, STATELINE, NEVADA

Date MAY 16, 2022  
Drawn By JWH  
Revisions

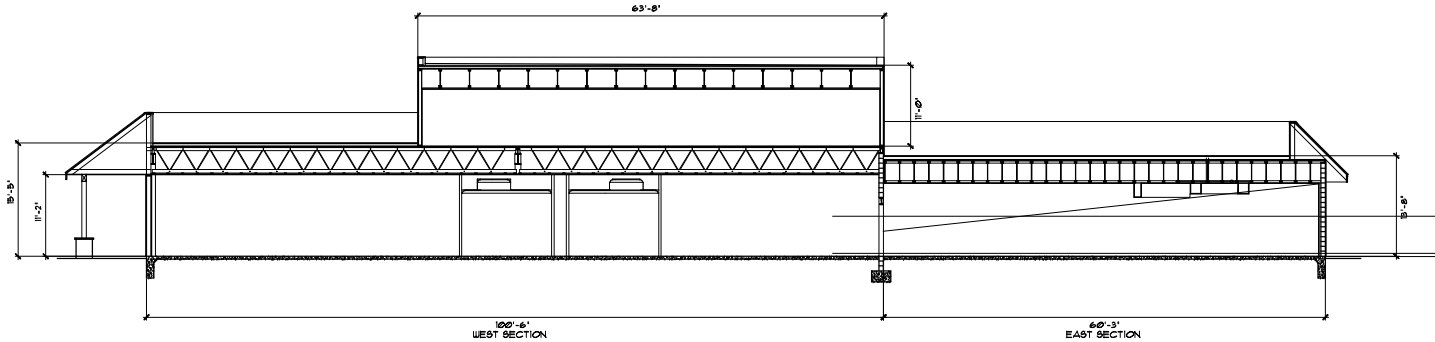
Sheet Number

G3



Architect •  
FRANK WOODLIFF  
200 South Main Street Suite A • P.O. Box 280 • Fallon, Nevada 89405  
(775) 423-0065

Charlie Donohue  
Re: Request to Reconfirm Base Data  
Tahoe Nugget (formerly Ed's Tahoe Nugget)  
C:\Users\charlie\Documents\Tahoe Nugget\Tahoe Nugget.dwg  
Exhibit F Page 4 of 4



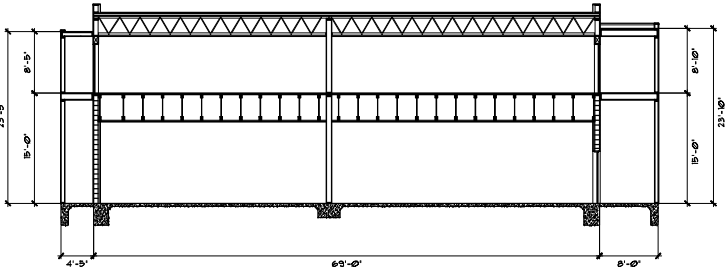
BUILDING SECTION A

SCALE 1/4"=1'-0"

**BUILDING VOLUME CALCULATIONS**

GROUND FLOOR WEST SECTION	
6,334 SF. X 15.42 FT. =	106,922 CF.
GROUND FLOOR ENTRIES, WEST AND 100	
198 SF. X 11.11 FT. =	1,765 CF.
GROUND FLOOR NORTH STAIR 108	
181 SF. X 15.0 FT. =	2,715 CF.
GROUND FLOOR SOUTH STAIR 121, FIRE 119	
234 SF. X 15.0 FT. =	3,510 CF.
GROUND FLOOR ELEC. 106, MECH. 101	
129 SF. X 11.11 FT. =	1,396 CF.
GROUND FLOOR EAST SECTION	
4,911 SF. X 13.67 FT. =	56,826 CF.
SECOND FLOOR	
4,434 SF. X 11.00 =	48,774 CF.
SECOND FLOOR NORTH STAIR 201	
181 SF. X 8.83 =	1,598 CF.
SECOND FLOOR SOUTH STAIR 220	
198 SF. X 8.42 =	1,339 CF.
TOTAL BUILDING VOLUME	224,845 CF.

NOTE:  
THE VOLUME CALCULATIONS WERE DONE USING  
RECTANGULAR BOXES SO THAT THE RESULTS WILL BE  
SIMILAR TO THE METHOD USED FOR THE SOUTH TAHOE  
NUGGET IN 1982. THE VOLUMES IN THE ENCLOSED  
OVERSHANGS AND ABOVE THE COVERED ENTRIES OF THE  
CURRENT PROPERTY ARE NOT INCLUDED.



BUILDING SECTION B

SCALE 1/4"=1'-0"

• Architect •

FRANK WOODLUFF

200 South Maine Street Suite A • P.O. Box 280 • Fallon, Nevada 89405  
(775) 423-0065



PHASE 1 IMPROVEMENT PLANS  
FOR  
TAHOE NUGGET BUILDING  
177 US HIGHWAY 50, STATELINE, NEVADA

Date MAY 16, 2022

Drawn By FULL

Revisions

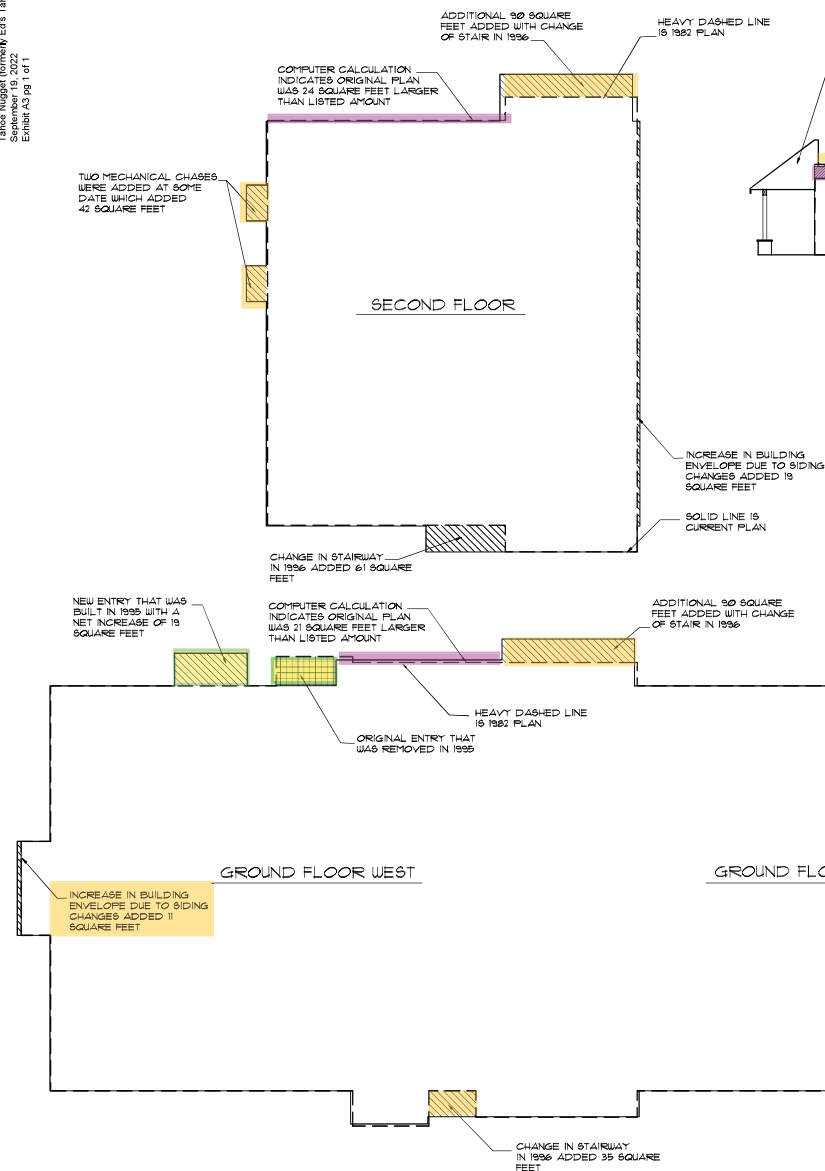
Sheet Number

G4

	CERTIFIED BASE DATA	1987 ERRORS/ OMISSION	1995/1996/2000 TRPA / DOUGLAS MODIFICATION APPROVAL	CURRENT CONDITIONS	PHASE 1 PROPOSED INTERIOR REMODEL PLAN	DIFFERENCES*	PROPOSED RECERTIFIED BASE DATA
PUBLIC AREA	16,122	16,122	16,563	16,563	16,563	441	<b>16,563</b>
BASE AREA	9,461	9,461	0	9,461	7,478	-1,983	<b>9,461</b>
NON-BASE AREA	6,661	6,069	0	7,102	9,085	2,424	<b>7,102</b>
GAMING	8,773	8,773	0	8,773	6,090	-2,683	8,773
PRIVATE AREA	0	0	0	0	0	0	0
CUBIC VOLUME	200,462	217,352	226,297	226,297	226,297	25,835	<b>226,297</b>
SITE COVERAGE	11,560	11,560		11,560	11,560	0	11,560
CUBIC VOLUME CHANGE		16,890	8,945				

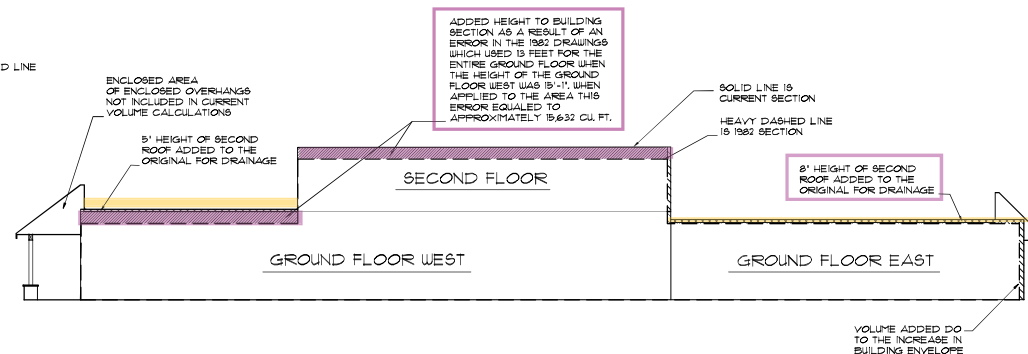
\* CERTIFIED DATA +/- PROPOSED PHASE 1 PLAN

Chadler Donohue  
Re: Request to Rectify Base Data  
for Tahoe Nugget Building  
September 19, 2022  
Exhibit A3 pg 1 of 1



**AREA COMPARISON BETWEEN 1982 AND CURRENT**

SCALE 1"=10'-0"



**VOLUME COMPARISON BETWEEN 1982 AND CURRENT**

SCALE 1"=10'-0"

NOTE:  
FOR COMPARISON PURPOSES THE FOOTPRINTS OF THE 1982 DRAWINGS WERE CREATED USING THE DIMENSIONS LISTED ON THE 1982 DRAWINGS. THE CURRENT FOOTPRINTS WERE THEN OVERLAYED ON THE CREATED 1982 PLANS AND THE DIFFERENCES BETWEEN THE TWO HIGHLIGHTED WITH HATCHES. THE FLOOR PLAN AREAS AND AREAS OF THE DIFFERENCES WERE CALCULATED BY THE AREA TOOLS PROVIDED IN AUTOCAD SOFTWARE.  
THE SAME COMPARISON TECHNIQUE WAS ALSO USED FOR THE BUILDING SECTIONS TO INDICATE DIFFERENCES IN THE BUILDING HEIGHTS.

#### KEY

- Proposed Corrections to 1987 Base Data
- TRPA Approved changes to the building
- NTRPA Approved changes to building

• Architect •

FRANK WOODLUFF

200 South Main Street Suite A • P.O. Box 290 • Fallon, Nevada 89405  
(775) 423-0005



PHASE 1 IMPROVEMENT PLANS  
FOR  
**TAHOE NUGGET BUILDING**  
177 US HIGHWAY 50, STATELINE, NEVADA

Date: JULY 18, 2022

Drawn By: PJU/I

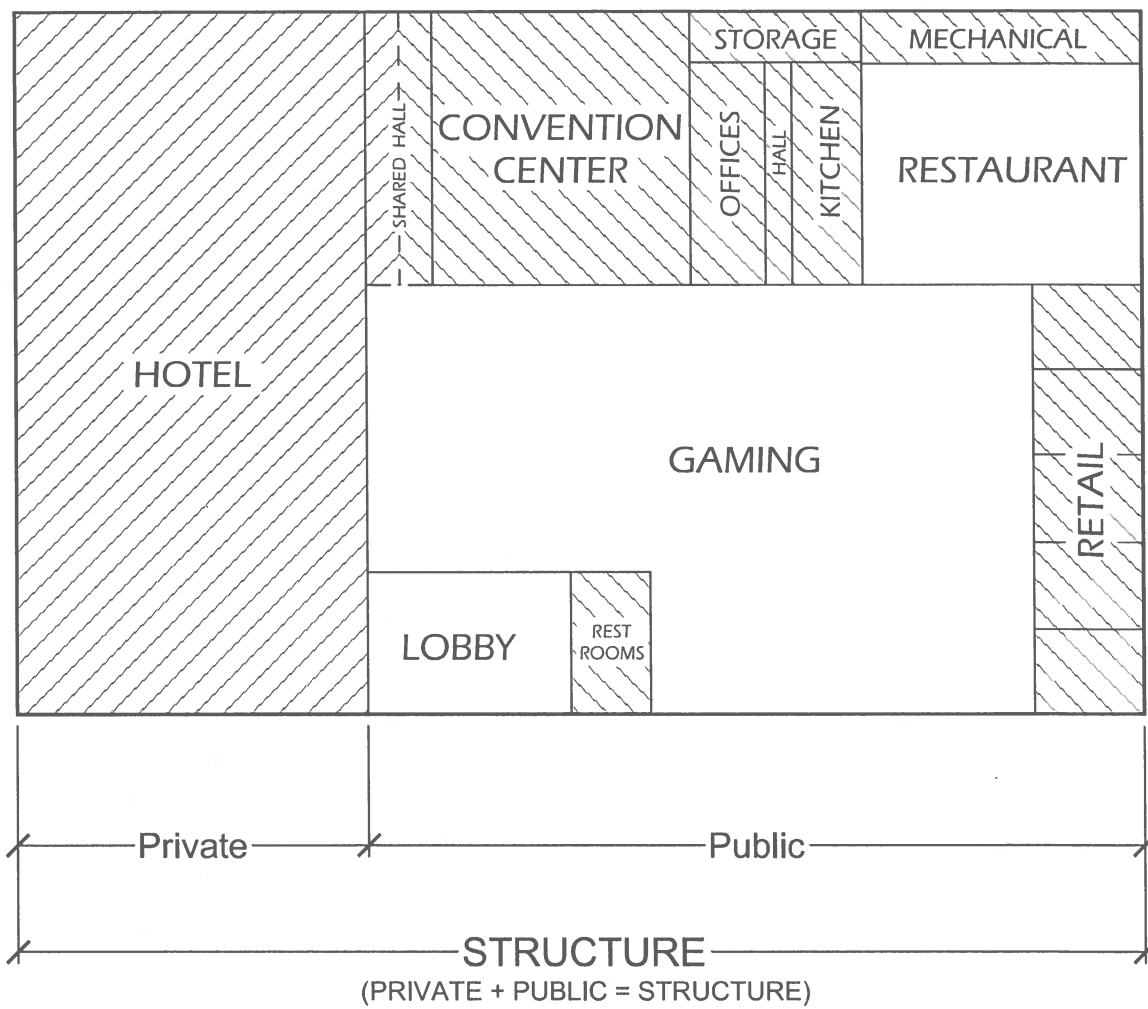
Revisions

Sheet Number

**G5**

**TABLE 1**  
**BREAKDOWN OF BUILDING AREA VARIATIONS**

	AREA S.F.
<b><u>GROUND FLOOR</u></b>	
1. Original Ground Floor Area Shown on 1982 Plans	11,560
2. Error in Floor Area on 1982 Plans	21
3. Area Added With Change to North Stairway	90
4. Delete Area of Original North Entrance	-50
5. Area of New North Entrance	69
6. Area of South Stairway Change	35
7. Added Area for Increase in Exterior Wall Thickness	64
	<hr/>
<b>CURRENT AREA SUBMITTED</b>	11,789
<b><u>SECOND FLOOR</u></b>	
1. Original Second Floor Area Shown on 1982 Plans	4538
2. Error in Floor Area on 1982 Plans	24
3. Area Added With Change to North Stairway	90
4. Area of Added Mechanical Chases	42
5. Area of South Stairway Change	61
6. Added Area for Increase in Exterior Wall Thickness	19
	<hr/>
<b>CURRENT AREA SUBMITTED</b>	4774
<b>TOTAL BUILDING AREA SUBMITTED</b>	16,563



## NTRPA STRUCTURE DIVISION

# D E F I N I T I O N S

BASE AREA: area within structure housing nonrestricted gaming open to public use, whether gaming is carried on in that area or not, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms. (Article VI, (f), (3), Compact)

GAMING: is only defined in Compact as activities (i.e. types of games), not a use area. (see Article II, (f))

MODIFICATION, REMODELING OR CHANGE IN USE of a structure housing nonrestricted gaming may not:

- (a) enlarge cubic volume of structure;
- (b) increase total square footage of area open to or approved for public use on May 4, 1979; and
- (c) convert private use to public use. (Ord 1980-1, Article 3.1)

NON BASE AREAS: area within structure housing unrestricted gaming open to public use which is used for: retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting and counting rooms. (Extrapolated from definition of base area)

PRIVATE USE AREAS: means those portions within a structure reserved for the private use of the public. Included are only hotel rooms and hallways (50% of a hallway when shared with a non-hotel use. According to Sparbel's letter of June 3, 1993 regarding the Mariner and draft ordinance 1990-1, parking garages are also "private" (when in a structure housing nonrestricted gaming?). (Ord. 1980-1, Article 1.12) (Article II, (1) Compact)

PUBLIC USE AREAS: means all areas within a structure housing nonrestricted gaming, except areas devoted to private use. (Ord 1980, Article 1.11) (Article II, (k), Compact)

(PUBLIC USE + PRIVATE USE AREAS = total area of structure housing nonrestricted gaming.) (My adaptation)

## SUGGESTIONS FOR CLASSIFYING USES

Approved by NTRPA Board-May 1982

	<u>Base</u>	<u>Non-Base</u>
<u>Determined By the Compact</u>		
Retail stores		X
Convention centers		X
Meeting rooms		X
Administrative Offices		X
Kitchens		X
Maintenance & storage rooms		X
Rest rooms		X
Engineering & mechanical rooms		X
Accounting & counting rooms		X
<u>Not Determined</u>		
Housekeeping		X
Employee cafeteria		
Kitchen area		X
dining area	X	
Employee lounges	X	
Employee restrooms		X
Employee rooms/apt.	X	
Pool area	X	
Spa		
main area	X	
restrooms		X
storage (i.e.; towels, etc.)		X
mechanical equipment		X
Exercise health center		
(Same as Spa)		
Receiving		
if part of storage area		X
if not storage area	X	
Attic space		
if storage		X
if open to public use	X	
Entertainer's dressing rooms		
restrooms		X
storage		X
balance of area	X	
Band practice room	X	
Stage area		
stage itself	X	
storage		X
Laundry		X
Catwalks	X	

Isles between gaming areas - are they  
 "Areas actually use for gaming" per  
 the Definitions previously approved  
 by the NTRPA Board?

# NEVADA TAHOE REGIONAL PLANNING AGENCY

333 West Nye Lane, Room 118, Carson City, Nevada 89710

Telephone: (702) 687-4921

## MINUTES

December 20, 1995

### Meeting Place

Council Chamber  
South Lake Tahoe City Hall  
1900 Lake Tahoe Boulevard  
South Lake Tahoe, California

The meeting of the Governing Board (hereinafter board) of the Nevada Tahoe Regional Planning Agency was convened by chairperson Steve Bradhurst at 1:00 p.m. A roll call was taken and a quorum was present.

### MEMBERS PRESENT

Steve Bradhurst, Chairperson  
Don Miner, Vice-chairperson  
Steve Wynn  
Kay Bennett  
Roland Westergard  
Drake Delanoy  
Dean Heller

### MEMBERS ABSENT

None

### OTHERS PRESENT

Pamela Wilcox, Executive Officer  
Mike Del Grosso, Division of State Lands  
George Taylor, Attorney General's Office  
Gary Midkiff  
Jeff Lundahl  
Susan Scholley, Tahoe Regional Planning Agency  
R. J. Nicolle, Tahoe Regional Planning Agency  
Steve Teshara, Tahoe Gaming Alliance  
Rochelle Nason, League to Save Lake Tahoe  
Lauren Graham, Tahoe Nugget

### APPROVAL OF MINUTES

Kay Bennett made a motion to approve the minutes of the August 24, 1995 meeting as written, seconded by Drake Delanoy. Motion passed by all affirmative votes.

### EXECUTIVE STAFF REPORT OF ACTIVITIES AUGUST 1995 TO DECEMBER 1995

Pam Wilcox, Executive Officer, stated the agency report was provided in the information packet for the board's review. She

Nevada Tahoe Regional Planning Agency  
December 20, 1995 Minutes, p. 2

stated that there had not been any unusual activity involving the staff and that the workload had not been excessive. Steve Wynn moved that the executive report be accepted, second by Don Miner. Report accepted by affirmative vote of all present.

CONSIDERATION OF ADDING TO THE CUBIC VOLUME OF A STRUCTURE HOUSING GAMING BY MODIFYING TWO EXISTING STAIRWELLS TO ALLOW CONVERSION OF A SECOND FLOOR AREA TO NON-GAMING COMMERCIAL OFFICES. THE CHANGES PROPOSED ARE REQUIRED BY BUILDING CODE. THE TOTAL AREA INVOLVED IS APPROXIMATELY 84 SQUARE FEET AND A CUBIC VOLUME OF APPROXIMATELY 1830 CUBIC FEET. NO EXCHANGE OF SPACE IS OFFERED. THE CHANGE IS PROPOSED AT THE TAHOE NUGGET, 195 U.S. HIGHWAY 50, STATELINE, NEVADA.

Pam Wilcox, Executive Officer, said a staff report had been prepared and a copy has been included in each member's meeting packet. A copy of a letter from Mr. Midkiff addressing the changes is also included.

Gary Midkiff, consultant for the applicant, told the board that the stairwell additions were required by the building and fire codes as part of the building remodel project, and not as part of an application to convert the second floor to another use (as stated in the agenda). The existing stairwells do not meet current standards and must be brought up to code. Current building code standards, including the Americans With Disabilities Act requirements, mandate that stairways have landings, and stair rise/run relationships, which make buildings accessible to the handicapped. In order to continue use of the second floor offices at the Nugget, it is necessary that the mandated improvements be made. Mr. Midkiff added that the use of the interior space on the second floor was immaterial to the consideration since the changes must be made regardless of the use.

A letter from Mike Stoeffler, Douglas County Building Official, was presented to the board. The letter stated that a life safety inspection of the Nugget property disclosed the stair discrepancy problem. The Uniform Building Code specifies certain standards for exterior exit stairs with safety the governing factor.

Mr. Midkiff continued by stating that the Nugget structure is a rectangular building, so no square footage or cubic volume could be offered in exchange for this additional space. He pointed out that in 1987 the Tahoe Biltmore was allowed to add a partially exterior stairwell because of fire and safety requirements. A copy of the minutes of that meeting were presented to the board members for their information. A condition of the approval for the Biltmore was that the modification would not change base data to qualify for additional gaming. In reply to a question on whether a change in gaming is contemplated at the Nugget, Mr. Midkiff

Nevada Tahoe Regional Planning Agency  
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stated that there is not and that the second floor use would remain as offices.

Concern was expressed by the board that an increase in gaming space, based on this enlargement of the structure and a perceived increase in base area, could be requested by a future property owner. The board wanted assurance that such a request could not be made.

Kay Bennett asked if that building owner would agree to stipulate that he would not come back to the board to request an increase in base data. It was noted that the staff has suggested a condition, as follows:

The stairwell changes are to be noted on the base data plans specifically as a modification necessary for the public health, safety and/or welfare as follows:

"Modifications to stairwells made to satisfy public health, safety and welfare requirements as established by applicable building and fire codes to allow use of second floor for commercial office space. These modifications, approved by the governing board of the Nevada Tahoe Regional Planning Agency during their meeting on December 20, 1995, do not add to the square footage or cubic volume of the structure as certified on February 2, 1987."

Lauren Graham, building owner, told the board that he agreed to the condition and the stipulation that he would not come back to the board to request an increase.

In response to a question about the differences between this proposal and the addition made at the Biltmore, Mr. Midkiff stated that they were virtually identical. He pointed out that in both instances the changes were required and had not been proposed by the applicant.

Roland Westergard asked the architect if the change will add to the usable area of the structure. Jeff Lundahl, architect, said that it would not and displayed a building plan which showed the changes and explained why they were required.

Motion made by Don Miner, seconded by Steve Wynn, that the proposed required stairwell changes be approved, subject to the condition recommended in the staff report and agreed upon by the building owner. The motion was approved by unanimous affirmative vote.

SELECTION OF A SEVENTH-MEMBER OF THE NEVADA TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD FOR A ONE-YEAR TERM STARTING JANUARY 1,

Nevada Tahoe Regional Planning Agency  
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1996. NEVADA REVISED STATUTES 277.200 REQUIRES AFFIRMATIVE AGREEMENT BY AT LEAST FOUR OF THE SIX MEMBERS OF THE BOARD FOR APPOINTMENT

Drake Delanoy made a motion, seconded by Don Miner, that Steve Wynn be reappointed as the seventh member of the Nevada Tahoe Regional Planning Agency governing board for a one-year term to expire on January 1, 1997. The motion was approved by the affirmative vote of the six eligible voting members.

BOARD MEMBER COMMENTS

There were no board member comments.

PUBLIC COMMENTS

There were no public comments.

DISCUSSION OF TIME, PLACE AND AGENDA ITEMS FOR THE NEXT MEETING

Pam Wilcox said that two items are pending: a revisit to the interim plan review procedures policy, and; consideration of "approved but unbuilt" areas for structures housing gaming. At this time only one casino has responded to our request for information- that being the Cal-Neva which reported they do not have such area. The time set for response to the request for information by the casinos is December 31, 1995.

It was suggested that the Shorezone Committee of the Tahoe Regional Planning Agency generally meets on the Tuesday prior to the regular Wednesday TRPA monthly meeting starting at 1:00 p.m. A NTRPA meeting in the morning before the Shorezone Committee meets could be a good time to meet since some members of the NTRPA also sit on the committee. The meeting could be held in the TRPA offices. It was decided that the chairperson and the executive officer would work together to set the next meeting.

The meeting was adjourned at 1:20 p.m.

  
Pamela B. Wilcox, Executive Officer

Note: These minutes should be considered draft minutes pending their approval at a future meeting of the Nevada Tahoe Regional Planning Agency governing board. Corrections and additions could be made prior to approval.

The meeting was tape recorded. Anyone wishing to listen to the tape may call (702) 687-4921 for an appointment. The tape will be retained for two years.

# NEVADA TAHOE REGIONAL PLANNING AGENCY

333 West Nye Lane, Room 118, Carson City, Nevada 89710

Telephone: (702) 687-4921

## NOTICE OF MEETING OF THE BOARD OF THE NEVADA TAHOE REGIONAL PLANNING AGENCY

Notice is hereby given that the Board of the Nevada Tahoe Regional Planning Agency will hold a public meeting on December 20, 1995. The meeting will be held in the Council Chamber, South Lake Tahoe City Hall, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The meeting will begin at 1:00 p.m., preceding the afternoon session of the meeting of the Governing Board of the Tahoe Regional Planning Agency.

The agenda for the meeting is as follows:

1. Call to order:  
Roll call  
Approval of minutes of the August 24, 1995 meeting\*
2. Executive staff report of activities August 1995 through December 1995\*
3. Consideration of adding to the cubic volume of a structure housing gaming by modifying two existing stairwells to allow conversion of a second floor area to non-gaming commercial offices. The changes proposed are required by building code. The total area involved is approximately 84 square feet and a cubic volume of approximately 1830 cubic feet. No exchange of space is offered. The change is proposed at the Tahoe Nugget, 195 U.S. Highway 50, Stateline, Nevada.\*
4. Selection of a seventh-member of the Nevada Tahoe Regional Planning Agency governing board for a one-year term starting January 1, 1996. Nevada Revised Statutes 277.200 requires affirmative agreement by at least four of the six members of the Board for appointment.\*
5. Board member comments.
6. Public comments.
7. Discussion of time, place and agenda items for the next meeting of the Board.\*
8. Adjourn.

Note: \* Denotes items on which the Board may take action.

(Listing of agenda items is approximate. Items may be taken in different order than that shown on the agenda.)

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December 20, 1995  
p. 2

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Mike Del Grosso in writing at the Division of State Lands, Capitol Complex, Carson City, Nevada 89710 or by calling (702) 687-4921 no later than December 15, 1995.

Notice of the meeting was posted at the following locations:

Division of State Lands, 333 West Nye lane, Room 118, Carson City  
Legislative Building, Main Lobby, 401 S. Carson Street, Carson City  
Tahoe Regional Planning Agency, 308 Dorla Court, Elks Point, Nevada  
Department of Conservation and Natural Resources, 123 West Nye  
Lane, Carson City  
South Lake Tahoe City Hall, 1900 Lake Tahoe Boulevard, South Lake  
Tahoe, California

December 21, 1995

Gary Midkiff  
Midkiff and Associates  
P. O. Box 12427  
Zephyr Cove, Nevada 89448

Dear Gary:

During their meeting held on December 20, 1995, the governing board of the Nevada Tahoe Regional Planning Agency approved modifications to a structure housing gaming located at 195 U.S. Highway 50, Stateline, Nevada, commonly known as the Tahoe Nugget.

The approved modifications consisted of enlarging two (2) existing stairways which serve second floor offices. The additions to the stairways were required by Douglas County officials for fire, health and safety purposes. Compliance to the Americans with Disabilities Act also necessitated the additions. The required modifications added (84) square feet and 1,830 cubic feet to the existing structure.

The governing board approved the modifications subject to the following condition:

The stairwell changes are to be noted on the base data plans specifically as a modification necessary for public health, safety and/or welfare as follows:

"Modifications to stairwells made to satisfy public health, safety and welfare requirements as established by applicable building and fire codes to allow use of second floor for commercial office space. These modifications, approved by the governing board of the Nevada Tahoe Regional planning Agency during their meeting on December 20, 1995, do not add to the square footage or cubic volume of the structure as certified on February 2, 1987."

The certified base data plans for the Tahoe Nugget are located in the offices of SEA Engineers, 950 Industrial Way, Sparks, Nevada. Harry Erickson (358-6931) is the contact person in that office. We have contacted Mr. Erickson and informed him that an

Gary Midkiff  
December 21, 1995  
p. 2

addition will be made to the certified plan. You need to make arrangements with Mr. Erickson to have the required condition added to the certified base data plan.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Pamela B. Wilcox  
Executive Officer

cc: Harry Erickson, SEA Engineers  
Susan Scholley, TRPA  
Jeff Lundahl  
Lauren Graham  
Valerie Smith, Douglas County Building Department

PBW/jmd



# DOUGLAS COUNTY **Community Development**

**BOB NUNES**  
*Director of Community Development*

Planning Division  
Engineering Division  
Building Division  
Regional Transportation  
Facilities Operations  
Water Utility  
Road Maintenance  
Vehicle Maintenance  
Code Enforcement

December 20, 1995

Gary Midkiff  
FAX: 588-1091

RE: Tahoe Nugget

Gary:

The criteria used to establish the proposed change-out of the exterior stairs, is that they are not in compliance with the adopted model codes. The UBC has specificities for exterior exit stairs, and safety is the governing factor.

The life safety inspection of the above referenced property brought the stair discrepancy to light. Should you need further clarification, please feel free to contact me.

Thank you

Mike Stoeffler,  
Building Official

**Midkiff**  
**& Associates, Inc.**  
 CONSULTANTS

DIVISION OF  
 STATE LANDS

'95 DEC 19 A11:45

December 18, 1995

Ms. Pamela Wilcox  
 Executive Director  
 NTRPA  
 Department of Conservation  
 and Natural Resources  
 Division of State Lands  
 Capitol Complex  
 Carson City, NV 89710

	PAM	
	MIKE	
	KAM	
	ED	
	SARAH	
	RON	
	REX	
	JON	
	MARVA	
	KIM	
	BOB	
	CD	
	OTHER	

Subject: Nugget Stairway Remodel - Life Safety Modifications  
 Required by Douglas County Building Official

Dear Ms. Wilcox:

I am writing on behalf of the Nugget Owners regarding the requirements of the Douglas County Building Official which mandate that the existing stairways be brought up to current Building Code Standards. The requirement was the result of the building review undertaken by the Building Dept. in relation to the current remodel of the structure. While the Building Official is out of town at this time, I have requested a letter documenting the County health and safety requirement, and expect to have such a letter prior to the NTRPA Board meeting on December 20, 1995.

Basically, the requirements are as follows:

Current Building Code standards, including the Americans With Disabilities Act requirements, mandate that stairways have landings, and stair rise/run relationships, which make buildings accessible to the handicapped. In order to continue use of the second floor offices at the Nugget, it is necessary that the mandated improvements be made.

When considering the issue of the mandated Code Compliance, as it relates to the limitations in the Tahoe Regional Planning Compact, it is helpful to look to how similar situations have been dealt with previously. On June 17, 1987, the NTRPA approved the application of the Tahoe Biltmore to add one interior and one exterior stairwell for public health and safety reasons. the second stairwell was partially inside and partially outside of the building. The action of the NTRPA was reported in its Minutes, as follows (See Exhibit A attached):

Wilcox  
December 18, 1995  
Page 2.

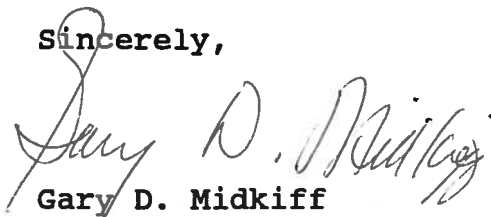
"After more discussion, Member Westergard made a motion that based on the evidence available that the Board find there is a health and welfare consideration and approve the project as submitted with the stipulation that the Tahoe Biltmore not come to the Board at a later date to use this increased volume to increase its base data area. The motion carried."

I submit that the mandated health and safety, and ADA requirements in this case of the Nugget are substantially the same as the above cited Tahoe Biltmore situation in 1987, and respectfully request that the Nugget proposed plans be approve with the same conditions.

I trust that this information will be helpful to you in evaluation of this matter and advising the NTRPA Board. I regret the lateness of this submittal, but only very recently asked to look at this issue with regard to your hearing.

If you have any questions regarding this submittal, please feel free to give me a call.

Sincerely,



Gary D. Midkiff

cc: Lauren Graham  
John Mason  
Jeff Lundahl

NEVADA-TAHOE REGIONAL PLANNING AGENCYWEDNESDAY 9:30 A.M. JUNE 17, 1987

## PRESENT:

F. DeArmond Sharp, Chairman  
Bob Pruett, Vice Chairman  
Stan Hansen, Member  
Roland Westergard, Member

## OTHERS PRESENT:

Marta Adams, Deputy Attorney General, for Scott Bodeau  
Connie Sparbel, Executive Officer  
Alice Becker, Frankie Sue Del Papa Designee

## ABSENT:

Dianne Cornwall, Member  
David F. Miller, Member

The Nevada-Tahoe Regional Planning Agency (NTRPA) convened in the auditorium of the Ormsby Public Library, 900 North Rood Street, Carson City, Nevada, to conduct the following business:

ROLL CALL

Executive Officer Sparbel took roll call. She also stated notice of the meeting had been published in the papers and posted in four public places. Agendas had been mailed to everyone on the NTRPA mailing list.

DISPOSITION OF MINUTES

Member Hansen moved for approval of the minutes of February 11, 1987. The motion carried, with Alice Becker abstaining.

BASE DATA DRAWINGS

CAESARS - Executive Officer Sparbel stated Caesars had requested a continuance. Ronald Alling, attorney representing Caesars, also stated they were requesting a continuance.

LAKE SIDE INN - Executive Officer Sparbel had received copies of the revised drawings that morning, and it was her understanding they had been corrected to SEEA's satisfaction. Executive Officer Sparbel recommended the Board certify the drawings as correct, subject to Harry Ericson, SEA, reviewing them. Ron Alling, representing the Lakeside Inn, asked that the record reflect that there is a dispute between Bob Gardner, the engineer who prepared the drawings, and Harry Ericson. Mr. Ericson has indicated there is a one to two

**EXHIBIT A**

percent error factor in his calculations and Mr. Gardner feels his calculations are correct. Member Hansen made a motion to approve the base data drawings on the Lakeside Inn with the stipulation that Mr. Ericson shall review and approve the drawings. The motion carried.

TAHOE MARINER - Executive Officer Sparbel said the drawings for the Tahoe Mariner still had not been received. She had sent a letter to the bank and received no response. Mike Furbush, representing Valley Bank, said the casino is in foreclosure and the sale should take place on or before July 15. He said he would be happy to answer any questions he could, but the bank is still in the process of trying to find out what the status of the project is. Mr. Furbush said he had heard there were some drawings, but had not been able to contact the proper people to obtain them. Chairman Sharp asked that Mr. Furbush stay in contact with Executive Officer Sparbel and let her know what happens concerning the sale of the casino. Mr. Furbush said he would do that.

CONSENT CALENDAR OF CASINO MODIFICATION DATED  
DECEMBER 1985-JUNE 1987

Executive Officer Sparbel said she had given the Board members a revised consent calendar. Some drawings had been received since the original calendar had been typed. Included on the calendar were items on a consent calendar dated July 1986 that the Board had requested be postponed until Base Data Drawings were approved. Caesars plans are on a consent calendar addendum. Executive Officer Sparbel had done this in case the Board members did not want to approve these drawings until base data drawings were approved.

Ron Alling, representing Caesars, asked that Caesars interior modifications be approved since they deal with the area that was approved by this Board at the last meeting. They do not deal with the pool area, which is the only area still in question on the Base Data Drawings. Executive Officer Sparbel said if the addendum was going to be approved, she would like to hold Hannah's in abeyance and discuss it later.

Member Westergard made a motion that the Board ratify the actions of the Executive Officer in the form of approval of the consent calendar with the exception of Hannah's on the May 30 Consent Calendar Addendum. The motion carried.

TAHOE BILTMORE OUTSIDE STAIRWELL

Executive Officer Sparbel said last fall the Tahoe Biltmore had come before the Board about adding one exterior and one interior stairwell for public health and safety reason. It would mean adding cubic volume to the outside of the structure which is prohibited by statute. Executive Officer Sparbel has talked with both the TRPA legal counsel, Susan Scholley, and NTRPA legal counsel, Scott Bodeau, and both agree the statutes probably were not written to preclude retrofitting for health and safety purposes.

Executive Officer Sparbel received some drawings from the Tahoe Biltmore showing one stairwell completely inside the building and the second stairwell

partially inside and partially outside the building. Executive Officer Sparbel had a letter from G.L. Adams, Fire Marshal for the North Lake Tahoe Fire Protection District, stating this was being required by them, for health and safety purposes. Mr. Adams, along with the architects for the project, were in the audience, willing to discuss why the stairwell could not be done any other way. 11,577 cubic feet will be added to the building by this stairwell.

Jack Sheehan, representing Sheehan & Van Noert Architects, stated the Tahoe Biltmore has been mandated to bring its life safety shortfalls up to code conditions. The Tahoe Biltmore could be shut down if these conditions are not met.

The configuration of the roof of the Tahoe Biltmore is causing part of the stairwell to have to be on the outside of the building, no matter which side of the building the stairwell is built. The Tahoe Biltmore is willing to give up equal volume by giving up some other buildings it owns in the area.

Ms. Becker asked if there were other alternatives to this stairwell. Jerry Adams, Fire Marshal for the North Lake Tahoe Fire District explained why this was the best alternative. From a tactical stand point, placing this stairwell where it is shown in the drawings lets him utilize his manpower and equipment most efficiently. Placing the stairwell anywhere else will create a need for more manpower and equipment. This, he feels, is a very important factor.

After more discussion, Member Westergard made a motion that based on the evidence available that the Board find there is a health and welfare consideration and approve the project as submitted with the stipulation the Tahoe Biltmore not come to the Board at a later date to use this increased volume to increase its base data area. The motion carried. *Casino Regulated High Council - see connection in minutes of Aug. 26, 87*

Chairman Sharp suggested a notation be made on the Base Data Drawings regarding this. Executive Officer Sparbel said it was her understanding the Tahoe Biltmore would have to take this before the TRPA also, but the TRPA had indicated if the NTRPA decided to allow it, the TRPA probably would also. Executive Officer Sparbel said she would communicate the Board's action to the TRPA and the Attorney General's Office. She will also talk to Harry Ericson about making a notation on the Base Data Drawings.

#### HARRAH'S

Linda Bowman, representing Harrahs, was present to speak about the exterior signs for Bill's Casino. Executive Officer Sparbel said Harrah's had submitted drawings regarding changing the signs from what was Barney's to Bill's. The square footage of the signs is being decreased. After discussion, Member Hansen made a motion to pass this on to the TRPA without further comment. The motion carried.

SUMMARY OF NTRPA 1987-89 BUDGET  
DISCUSSION OF FEE STRUCTURE  
NTRPA STAFF CONTRACT FOR JULY 1, 1987-JUNE 30, 1988

Executive Officer Sparbel had passed out copies of the budget she had received the week before from the budget office. The Legislature approved a budget of \$25,900 for the 1987-88 year, with \$7,000 of that amount being put in reserve for the 1988-89 year. The other \$18,900 must be recovered by the Board from the casinos. 100% of what is spent must be recovered from the casinos. The Agency is authorized to spend \$18,800 the first year and \$25,800 the second year.

Executive Officer Sparbel said the Agency had spend \$15,200 through May of this year and would spend approximately \$19,300 by the end of June. Chairman Sharp asked what Executive Officer Sparbel projected for next year. Executive Officer Sparbel said there was a problem in projecting since the Agency is essentially run on an as-needed basis. Member Hansen said since the Agency is approved to spend \$18,900, that is what the Agency should budget for and set their fee schedule to recover. If the Agency finds it needs to go to Interim Finance at a later date, it can do so.

Executive Officer Sparbel asked the Board members to look at the paper titled "Alternative Scenarios for 'Plan Review Fees' to Finance the NTRPA Annually". On the paper, she had put together some ideas for ways the Agency could recover funds from the casinos. She said there were problems with all the suggestions.

Ron Ailing, representing Caesars, said he has expressed his concerns regarding this Agency before. He said this Agency was imposed on the casinos for the benefit of the entire basin. He feels those being regulated by the Agency should not have to support the regulator. But, since the Legislature has said this is the way it will be done, Caesars would be in favor of Scenario No. 1, whereby all casinos are charged a flat fee for this fiscal year with the understanding that the Board, with the aid of the casinos, if desired, approach Interim Finance to try to correct the situation. Caesars feels it would be unfair for the Agency to base fees on the number of plans that come before it.

Member Hansen said the scenarios should be looked at, too, as to a casino's ability to pay.

Member Westergard said he thought the staff contract should be looked at. This would give the Board a better idea of what kind of costs they will be looking at for the next year.

Executive Officer Sparbel said she had prepared a contract for \$18,900. She spoke with the State Budget Office and was told since this is what the legislature has authorized the Agency to spend, if a contract came to them for any more, it would be denied. The \$18,900 is for personnel costs, office supplies, postage, printing and copying, advertising legal notices, travel,

equipment and rent and utilities. The contract last year was for \$23,800. Executive Officer Sparbel is estimating the Agency will have spent \$19,300 by the end of June. 78% of that money went for personnel with approximately one to two percent each going for each of the other items.

Member Pruett suggested exploring the possibility of being able to obtain money generated from the room tax to help fund the Agency. Member Pruett said he would contact the Douglas County District Attorney to see if this would be possible in Douglas County. Scott Bodeau will also be contacted.

Member Westergard made a motion that the Agency establish a budget of \$18,800 for the next fiscal year and that the alternatives presented by Executive Officer Sparbel be distributed to the casinos and that a hearing be set at the call of the chairman or at a date to be determined to receive public testimony from the casinos as to the method of levying fees and that the Board enter into a contract with Executive Officer Sparbel for an amount not to exceed \$18,800. The motion carried.

#### BILL FROM SELA ENGINEERING

Member Westergard presented a bill to the Board from SELA Engineering for \$6,602.04. This is separate from what was just discussed for the 1987-89 budget and needs to be paid from the current budget. Member Westergard made a motion to forward a letter to the Budget Director asking that he place on the agenda a request to expend an amount not to exceed \$6,602.04 for costs incurred in plan reviewing. The motion carried.

#### LEFTOVER FUNDS

Executive Officer Sparbel reported a map file had been ordered and was due any day. A filing cabinet had also been ordered for the Agency. She said there was going to be about \$2,000 left in the current contract and wanted to know what the Board wished to do with it. It was decided to spend it on (1) Executive Officer Sparbel working with Harry Ericson to try to standardize submittal procedures for additional plans from the casinos; (2) having tapes of previous meetings transcribed that have never been transcribed; and (3) purchasing a tape recorder to record future meetings.

#### TRANSFER OF RECORDS TO ARCHIVES

Executive Officer Sparbel has spoken to State Archives and they have agreed to accept the NTRPA records. The only question was who should have legal custody of the records. It was decided to have Executive Officer Sparbel talk with State Archives and use whatever system would make it easiest for the NTRPA to obtain the records, should the need arise.

#### SUBPOENA

Executive Officer Sparbel said she had been subpoenaed as an expert witness for the Cal Nera/Chuck Bluth vs. Rick Sawyer case. The case involves a dispute

over payment. The case had been scheduled to begin the previous week, but has been postponed until September.

PUBLIC HEARING

Executive Officer Sparbel will see about setting a public hearing regarding fee schedules to take place at Round Hill following the July 22 TRPA meeting.

There being no further business, the meeting was adjourned at 11:25 a.m.

Respectfully submitted,

*Pat Hughey*

Pat Hughey, Secretary

# **NEVADA TAHOE REGIONAL PLANNING AGENCY**

**333 West Nye Lane, Room 118, Carson City, Nevada 89710**

**Telephone: (702) 687-4921**

December 20, 1995

## **STAFF REPORT**

### **Agenda Item 3:**

Tahoe Nugget (Stateline): Consideration of adding to the cubic volume of a structure housing gaming by modifying two existing stairwells to allow conversion of a second floor area to non-gaming commercial offices. The changes proposed are required by building code. The total area involved is approximately 84 square feet and a cubic volume of approximately 1830 cubic feet. No exchange of space is offered.

### **Staff comments:**

Application: The Tahoe Nugget is remodeling its second floor, which will be used as commercial office space. The building code requires modifications in its stairwells, which modifications will require enlarging the building footprint as specified above.

Precedent: There is one related precedent. In 1987 the NTRPA board approved a request from the Tahoe Biltmore to add an enclosed exterior stairway. The following is quoted from the minutes of June 11, 1987:

Executive Officer Sparbel said last fall the Tahoe Biltmore had come before the Board about adding one exterior and one interior stairwell for public health and safety reasons. It would mean adding cubic volume to the outside of the structure which is prohibited by statute. Executive Officer Sparbel has talked with both the TRPA legal counsel, Susan Scholley, and NTRPA legal counsel, Scott Bodeau, and both agree the statutes probably were not written to preclude retrofitting for health and safety purposes.

...Executive Officer Sparbel had a letter from G.L. Adams, Fire Marshal for the North Lake Tahoe Fire Protection District, stating this was being required by them, for health and safety purposes...

After more discussion, Member Westergard made a motion that based on the evidence available that the Board find there is a health and welfare consideration and approve the project as submitted with the stipulation the Tahoe Biltmore not come to

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December 20, 1995  
p. 2

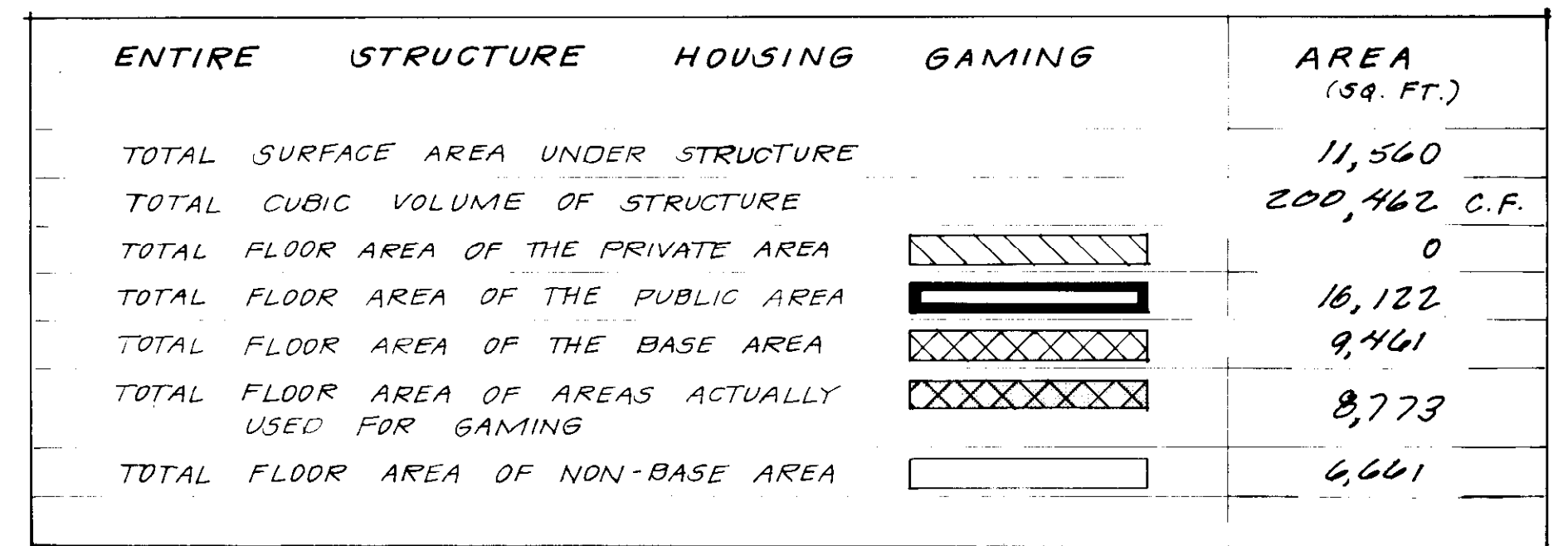
the Board at a later date to use this increased volume to increase its base data area. The motion carried.

Chairman Sharp suggested a notation be made on the Base Data Drawing regarding this...

Recommendation: Staff notes that the current situation is similar to but not identical with the Biltmore's fire code requirement. Applicant expects to have a letter from the Douglas County Building Department prior to the board meeting. If the board is satisfied that this application is also a public health, safety and welfare requirement which should be allowed, staff recommends approval subject to the following condition:

The stairwell changes are to be noted on the base data plans specifically as a modification necessary for public health, safety and/or welfare as follows:

"Modifications to stairwells made to satisfy public health, safety and welfare requirements as established by applicable building and fire codes to allow use of second floor for commercial office space. These modifications, approved by the governing board of the Nevada Tahoe Regional Planning Agency during their meeting on December 20, 1995, do not add to the square footage or cubic volume of the structure as certified on February 2, 1987."



ISSUED AS DATA CERTIFICATION

Robert E. Gault

hereby state that I am authorized to present these drawings to NLRPA and certify them to be correct

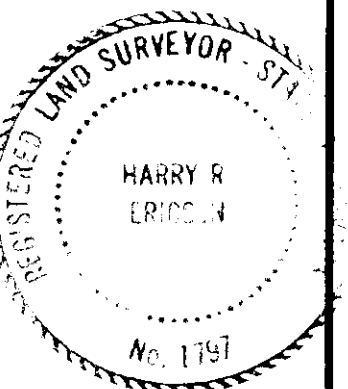
(Name) OWNER 2-11-87

drawings consisting of 5 sheets, the first of which is No. 2, and the variations are shown hereon, and by which it is to be understood that the relative accuracy and

James E. Olson 2/11/87

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e t  
ve

F. V. Bennett, Detroit 2-11-87

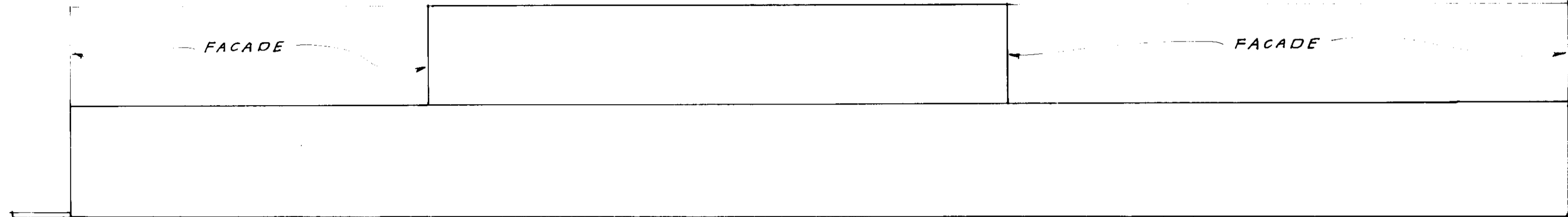
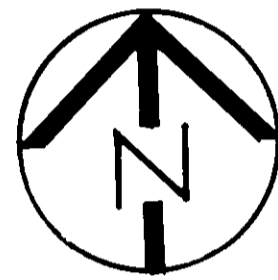
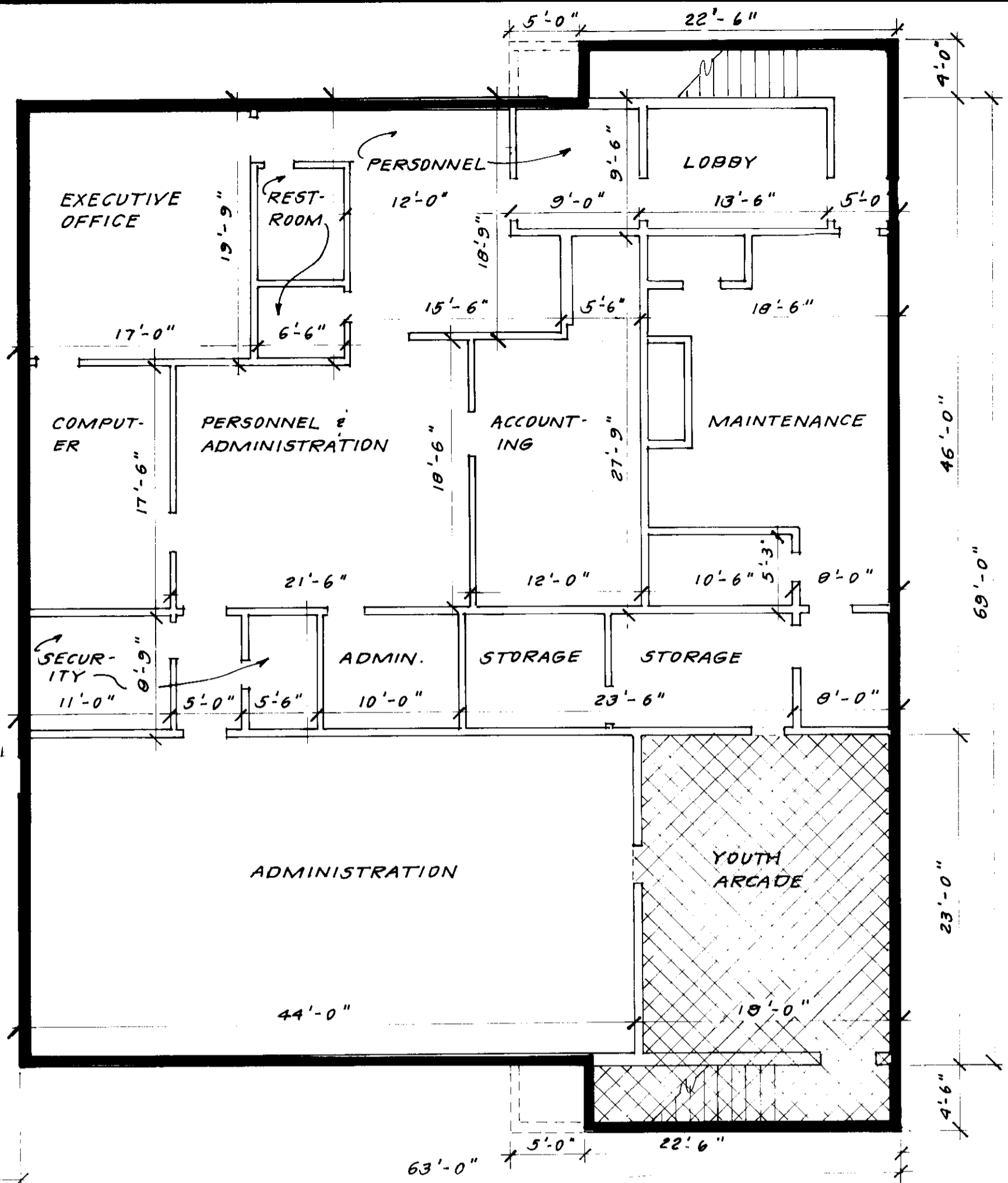


< > Record of survey for South Tahoe Nugget, Inc.,  
Document No. 03893, filed October 12, 1976,  
in official records of Douglas County, Nevada.

**J Ernest Jones Associates, Ltd.**  
Engineering, Planning, Environmental Studies  
P.O. Box 10381, Zephyr Cove, Nv. 89448

<b>REVISION</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>BY</b>	<b>APP'D.</b>	<b>BENCH MARK</b>	<b>SURVEY NOTES</b>	 <b>JONES &amp; TURNER ENGINEERING / SURVEYING</b> P.O. BOX 3087 SIKETELINE NEVADA 89409. (702) 566-5656	<h1 style="text-align: center;">SOUTH TAHOE NUGGET</h1> <p style="text-align: right;"><b>ZEPHYR COVE, NV. 89448</b></p> <p style="text-align: left;"><b>P.O. BOX 1067</b></p> <p style="text-align: center;"><b>MASTER SITE PLAN</b></p>	<b>DATE</b> 9-82
	10-6-82	Revised Floor Areas Per TRPA Measurements	C.B.		DESIGN _____ NUMBER _____ MARK _____	PLAN _____ PROFILE _____			<b>SHEET</b> 1
	5-3-86	Original re-trim notes	E.J.		DRAWN C.M.B.	ELEVATION _____ DATUM _____			<b>OF</b> 2
	1-10-87	Revised For NTCPA Review BY EJA AD	[Signature]		CHECKED _____	SCALE HORIZ. _____ VERT. _____			
	2-3-87	Revised For SEA Inc Revision By EJA AD	[Signature]		DESCRIPTION _____				
					SUBMITTED _____ RCE	JOB NO. 01250			

SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



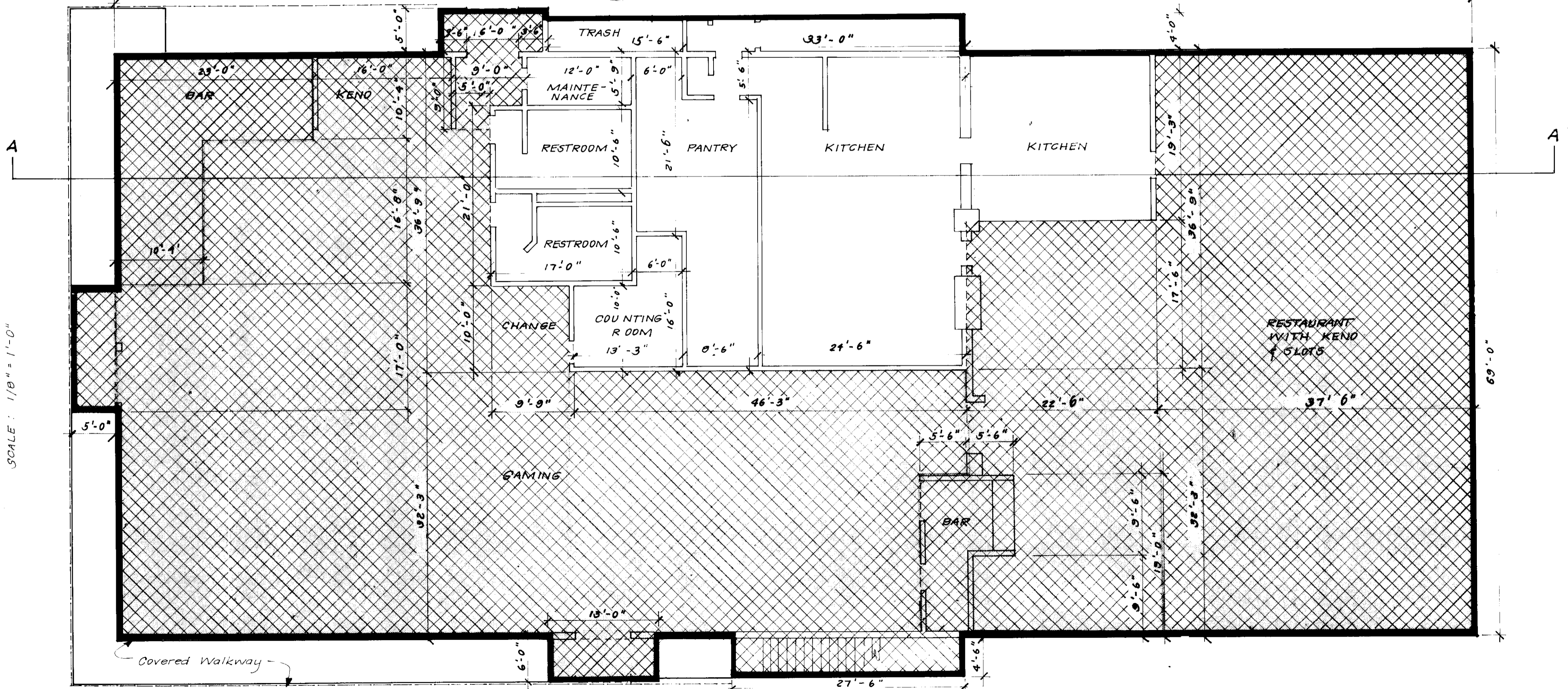
SECTION A - A' SCALE: 1/8" = 1'-0"

OWNER 2-11-87

OWNER 2-11-87

OWNER 2-11-87

FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



FLOOR SUMMARY TABLE				
FIRST FLOOR	CALC'S.	SQ. FT.	HT. (FT.)	VOLUME (CU. FT.)
	PRIVATE	0	-	-0-
	PUBLIC	11,560	13	150,280
	BASE	8,914	13	
	GAMING	2,773	13	
	NON-BASE	2,646	13	

SECOND FLOOR	CALC'S.	SQ. FT.	HT. (FT.)	VOLUME (CU. FT.)
	PRIVATE	0	-	-0-
	PUBLIC	4,562	11	50,182
	BASE	547	11	
	GAMING	0	-	
	NON-BASE	4,015	11	

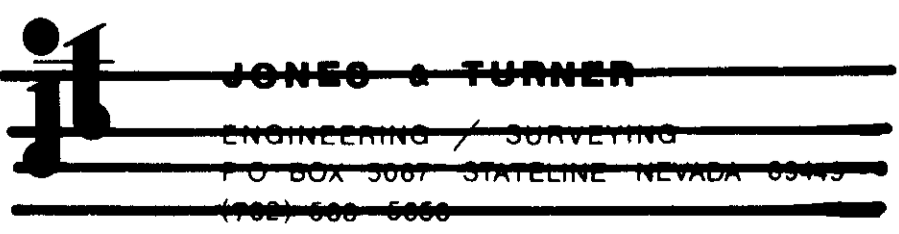
Ernest Jones Associates, Ltd.  
Engineering, Planning, Environmental Studies  
P.O. Box 10381, Zephyr Cove, Nv. 89448

REVISION	DATE	DESCRIPTION	BY	APP'D.
10-6-82		Revised Floor Coverages Per TRPA Measurements	C.B.	
1-10-87		Revised Per NTEPA Review By E.J.A. Ltd.	E.J.A.	
2-3-87		Revised Per SEAPAC Review By E.J.A. Ltd.	E.J.A.	

DESIGN	C.M.B.
DRAWN	C.M.B.
CHECKED	
SUBMITTED	RCE

BENCH MARK	NUMBER	MARK
ELEVATION		DATUM
DESCRIPTION		

SURVEY NOTES	PLAN	PROFILE
SCALE		
HORIZ		VERT.
JOB NO.	81250	



**SOUTH TAHOE NUGGET**  
P.O. BOX 1067  
MASTER ELEVATION, FIRST FLOOR PLAN, SECOND FLOOR PLAN  
ZEPHYR COVE, NV. 89448

DATE	9-02
SHEET	2
OF	2



Charlie Donohue

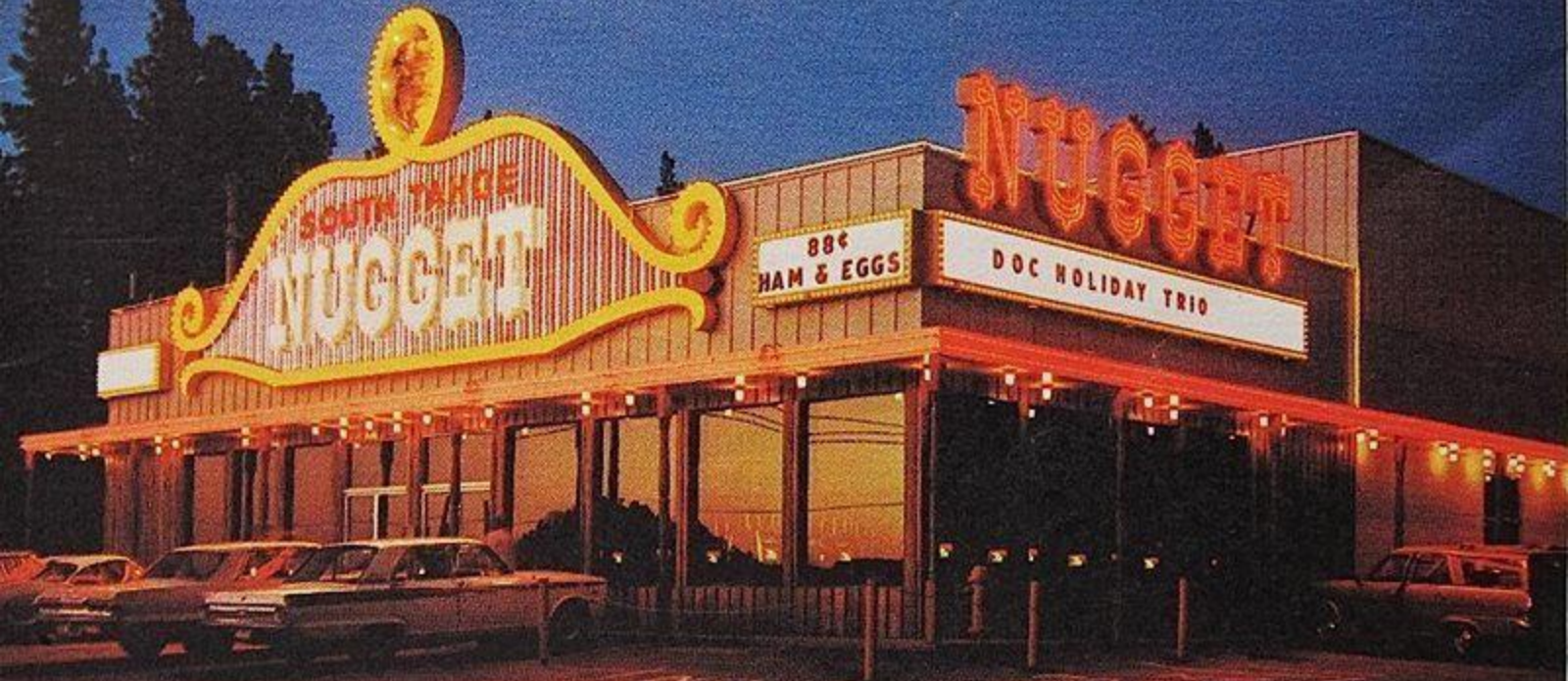
Re: Request to Recertify Base Data

Tahoe Nugget (formerly Ed's Tahoe Nugget)

September 19, 2022

Historical Photos pg 1 of 3





Charlie Donohue  
Re: Request to Recertify Base Data  
Tahoe Nugget (formerly Ed's Tahoe Nugget)  
September 19, 2022  
Historical Photos pg 3 of 3

















## NEVADA TAHOE REGIONAL PLANNING AGENCY

**BASE DATA SUMMARIES****63**

		PUBLIC AREA	BASE AREA	NON-BASE	GAMING	PRIVATE AREA	CUBIC	SITE
PROPERTY		(sq. ft.)	(sq. ft.)	AREA	(sq. ft.)	(sq. ft.)	VOLUME	COVERAGE
		(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)
SOUTH SHORE								
BILLS/BARNEYS*		18,498	14,019	4,479	10,492	0	221,103	7,460
CAESARS		425,667	245,857	179,910	95,566	553,873	13,088,431	310,329
HARRAHS		569,323	324,000	245,323	72,650	1,839,998	25,954,176	417,383
NORTH CASINO		34,175	20,126	14,049	16,501	0	452,016	19,936
HARVEYS								
	Mountain Tower	290,346	133,834	156,512	101,967	96,115	5,209,727	94,507
	Lake Tower	301,265	184,360	116,905	29,650	331,982	8,708,006	54,501
	Parking I	82,583	56,928	25,655	0	536,935	5,186,816	113,764
	Parking II	28,130	3,630	24,500	0	224,007	2,288,096	-
	Parking III	WILL BE COMPUTED WHEN CONSTRUCTED						
HORIZON		334,362	153,064	181,298	78,845	1,171,442	19,199,464	347,185
LAKESIDE INN		0	0	0	0	0	0	0
EDS TAHOE NUGGET		16,563	9,461	7,102	8,773	0	226,297	11,560
NORTH SHORE								
CAL NEVA		89,430	46,135	42,970	25,827	86,159	2,171,161	58,894
CRYSTAL BAY CLUB		51,616	19,516	32,100	16,184	185,238	2,120,654	79,007
HYATT		125,842	59,041	67,481	23,684	196,808	3,954,953	90,579
KELLEYS NUGGET								
	Prior to Fire	14,934	14,934	0	3,790	0	172,550	5,075
	As Rebuilt	-13,854	-8,794	-5,060	-3,683	0	-170,164	-4,895
MARINER		21,714	13,315	8,399	12,200	9,732	359,370	23,662
TAHOE BILTMORE		74,375	46,588	27,787	29,744	21,032	1,513,758	42,797

November 2022

## NOTES:

Eds Tahoe Nugget has been converted into an office-retail building without gaming.

The Mariner is not in operation and the structure has been demolished.

Some of the figures include "approved but unbuilt" area.

In 1993 the NTRPA acknowledged that 10,879.5 sq ft of private use area in the Crystal Bay Club had historically been and may continue to be in public use, but may not be used in calculating the base and the allowable gaming area.

In 2000, the NTRPA approved changes to the base data to the Hyatt as part of a renovation project.

In 2011, the NTRPA separated the North Casino from Harrah's.

In 2018, the NTRPA recertified the total cubic volume of the Cal Neva.

In 2022, the NTRPA retired the certified base data for the Lakeside Inn.

In 2022, the NTRPA recertified the total cubic volume, public, base, and non-base areas of Ed's Tahoe Nugget.